

# I. Organization and Resources

The successful implementation of FHWA's Equal Employment Opportunity (EEO) Program and the achievement of workforce diversity are major functions within the management structure of FHWA. The Civil Rights Service Business Unit (SBU) and the Office of Human Resources (OHR) have major responsibilities in these areas. The Director of Civil Rights (CR) reports directly to the Administrator, while OHR reports to the Director of Administration. These offices are responsible for developing administrative policies to ensure equal employment opportunity, workforce diversity, and affirmative action for FHWA employees and applicants for employment.

The CR Unit has 20 full-time employees. The Director of CR is responsible for managing and promoting programs to ensure fair and equitable treatment of all persons employed or affected by Federal highway-funded programs, regardless of race, color, religion, national origin, sex, age, disability, sexual orientation, or retaliation. The Director also participates in senior staff meetings and planning sessions in which decisions on management issues, staffing plans, and other significant goals and activities are made.

The OHR administers staffing, recruitment, merit promotion, special employment, and training and developmental programs for the Agency. These activities are conducted through the merit system principles, which include the selection and advancement of individuals on the basis of merit; the treatment of employees and applicants fairly and equitably; equal pay for equal work; and the education and training of employees when it will result in better organizational or individual performance.

As part of FHWA's restructuring effort, the Office of Professional Development was established as a cross-cutting SBU. This Unit serves as an "in-house consultant" for training and professional development and provides access, assistance, and expertise to all of FHWA. This Unit also serves as an advocate for the assessment of needs, the development of long-term plans, and the provision of resources for learning and training. It encour-

ages an Agency-wide focus on professional development. In addition, this Unit also provides guidance on the analysis of trends in areas such as internal skills and capacity, education, employment, and training in order to assess overall strengths, weaknesses, and opportunities. It serves as a catalyst to strengthen the tie between training, learning, and performance.

FHWA's total workforce as of September 30, 1997, was 3,565 permanent employees. The Program Managers and Staff Office Directors rely on the CR Director for assistance and guidance on EEO, diversity, and affirmative action matters. Each Resource Center has a Civil Rights Team that reports directly to the Resource Center Director and Resource Center Operations Manager. The CR Director and Resource Center Civil Rights Team Leader provide guidance, advice, and training on EEO, diversity, and affirmative action matters to the Division Administrators. The Federal Lands Executive Officer is responsible for providing policy or new initiatives on EEO, diversity, and affirmative action matters; however, the Division Executive Officers provide these services to the Federal Lands Division Engineers and their employees.

FHWA has 5 EEO counselors at Headquarters and 22 EEO counselors at the Resource Centers, Division Offices, and Federal Lands Divisions. At least one counselor is located in each Resource Center and each Federal Lands Highway Division. FHWA's goal is to provide the opportunity for face-to-face counseling to any employee who believes that he or she has been discriminated against because of race, color, religion, sex, national origin, age, disability, or sexual orientation, or believes that he or she is being retaliated against because of his/her participation in the EEO process. The CR Unit published a brochure in September 1997 on the EEO counseling process that provides the names and telephone numbers of EEO counselors. There is concern about the lack of and/or the availability of a written discrimination process to which every employee has access. Another area of concern is the proper steps to take once the counseling process is completed and the employee still wants to file a formal discrimination complaint.

Administering the Special Emphasis Programs is the responsibility of the CR. Neither the Federal Women's Program Manager (FWPM) nor the Hispanic Employment Program Manager (HEPM) positions are filled by CR personnel. It should be noted that these positions were vacant when the 1988–1992 and the 1996–1998 affirmative employment plans were prepared, and a lack of commitment to support these program activities was noted at that time. The Hispanic Employment Program (HEP) is being managed by a representative from one of FHWA's Headquarters' Program Offices (the Office of Infrastructure) as a collateral duty. This shows interest and concern for this program. However, it is not clear how the Federal Women's Program (FWP) activities are being coordinated in Headquarters and the field. Headquarters' guidance is needed to provide consistency and a national direction in the FWP.

The Special Emphasis Program coordinators have the authority to initiate and implement special events targeted at establishing or improving public relations, promoting Special Emphasis Programs, accomplishing program objectives, and improving employee morale. Agency managers maintain a liberal view of using administrative time to attend training or commemorations sponsored by one of the special emphasis groups. Efforts are made by all EEO officials, both in Headquarters and the field, to establish and maintain a good working relationship with special emphasis organizations.

All performance appraisals of supervisory and managerial personnel must include an evaluation of EEO and diversity accomplishments as one of their performance objectives. The Incentive Awards Program is one form of recognition of significant achievements in the EEO/workforce diversity area for managers who exceed their normal responsibilities. The Secretary recognizes outstanding achievements in EEO/affirmative action. FHWA should establish a similar award.

The Agency's appraisal system includes an element that rates senior managers' and supervisors' support of the Agency's affirmative employment efforts. In addition, the Agency provides to Unit managers periodic data that show a breakout by EEO groups of selections that have been made during the current fiscal year. This information should be provided to all selection officials.

This review indicates that CR and OHR carry the primary responsibilities for initiatives related to internal EEO, diversity, and affirmative action. However, FHWA also created an additional organization/committee, the Human Resources Management Committee, to discover and address human resource management issues that affect employee morale and Agency effectiveness. The committee, consisting of approximately 15 employees from Headquarters and the field who serve on a rotating basis, acts as a major focal point for FHWA on employee concerns. The committee has formulated an Agency-wide survey designed to determine how employees feel about their work, the direction of the Agency, the resources available to do their work, management practices, internal communications, and various employee programs. The committee will analyze the responses and comments from the survey and make recommendations to FHWA senior management to address employee concerns.

In summary, this review indicates that the Agency continues to make progress in the EEO, diversity, and human resource areas since the last AEP report. However, there continues to be a concern that the increasing emphasis on external EEO activities in the Federal-aid highway program has reduced the attention of the CR managers and supervisors to internal diversity and EEO matters.

## II. Workforce

An analysis of FHWA's workforce was conducted by Professional, Administrative, Technical, Clerical, Other, and Blue Collar (PATCOB) categories and selected occupations for fiscal year (FY) 1997 (as of September 30, 1997), using data obtained from OHR. The analysis was accomplished using the 1990 National Civilian Labor Force (CLF) data for comparison. Moreover, the representation of the various EEO groups in each grade representing selected positions in (1) FHWA on the national level (headquarters and field), (2) the field (only), and (3) headquarters (only) were also analyzed using the pertinent 1990 CLF data for each of the three levels of comparison. The subdivisions of the field (only) and headquarters (only) were done in order to see if FHWA is more representative of the community in the field and in the headquarters' metropolitan area, as well as to provide EEO attainment data relevant to FHWA's affirmative action uses. A comparison by PATCOB of the FHWA workforce to that of the 1990 CLF was also done. In addition, the representation of the various EEO groups in each grade and in key field positions in the Agency were analyzed. This was accomplished by comparing the percent of each group within the grade level with the percent of the group within FHWA.

The Post-Adarand Guidance on Affirmative Action in Federal Employment was used as guidance for determining if a significant underrepresentation of minorities in a particular job category existed. In *Adarand Constructors, Inc. v. Peña*, 115 S. Ct. 2097 (1995), the Supreme Court held that Federal affirmative action programs that use racial and ethnic criteria as a basis for decision making are subject to strict judicial scrutiny. Under strict scrutiny, such programs must serve a compelling governmental interest and must be narrowly tailored to serve that interest. The Post-Adarand Guidance stated that statistics alone may form a sufficient predicate for race-conscious measures. The Post-Adarand Guidance further cited examples of past Supreme Court rulings on this issue. For example, in *Hazelwood v. United States*, 433 U.S. 299 (1977), the Supreme Court stated that the "standard deviation analysis" can be used to demonstrate that a significant underrepresentation of minorities in a particular job category could be the result of a factor in the selection pro-

cess that eliminated minority candidates. The Court further stated that a "fluctuation of more than two or three standard deviations would undercut the presumption that decisions were being made randomly with regard to race." *Hazelwood*, 433 U.S. AT 311 n.17. In accordance with EEOC guidance, the standard deviation for each EEO group was gathered by obtaining the total number of FHWA employees in a particular category or selected occupation, the total FHWA number of employees of the EEO group in that particular category or selected occupation, and the total CLF percentage (both male and female) that corresponds to the particular category or selected occupation for the EEO group under analysis. This information was entered into a statistical program, which produced the number of standard deviations the subject EEO group was from the CLF. In order to assure that race is used in a manner consistent with Adarand principles, two standard deviations were used in the analysis to suggest the underrepresentation of EEO groups in the PATCOB category, as well as in FHWA's selected occupations compared to the CLF for these occupations.

The PATCOB analysis indicated an underrepresentation of White, Black, and Hispanic women in the professional category. An underrepresentation of White and Hispanic women was revealed in the administrative category. The technical category indicated an underrepresentation of White women and Asian American/Pacific Islander men. The clerical category indicated an underrepresentation of White women and Black men.

In the analysis of **FHWA overall (headquarters and field)**, there is underrepresentation of White women in the secretary, engineer technician, realty, transportation specialists, motor carrier specialists, highway safety specialists, computer system specialists, and community planner categories; Black and Hispanic women in the engineering technician category; and Asian American/Pacific Islander men in the civil engineering category.

In the **FHWA field (only)** category, there exists underrepresentation of White, Black, and Hispanic women in the engineering technician category; Asian American/Pacific Islander men in the civil engineering cat-

egory; and White women in the realty, transportation specialist, motor carrier safety specialists, and highway safety specialists categories. In accordance with EEOC guidance, the national CLF was used for comparing the FHWA field (only) category.

For the **headquarters only** category, there is underrepresentation of White women in the secretary, transportation specialist, civil engineering, and community planner categories, and Black men in the secretary and transportation specialist categories. The CLF used for comparing the headquarters (only) data included only the States of Virginia and Maryland and the District of Columbia.

See Appendix B for tables comparing agency and civilian labor force data. Sections A and B below provide an analysis of the data in these tables.

### A. Analysis of PATCOB Categories

The analysis of the table (see Appendix B, page 70) titled, National Distribution of EEO Groups and Comparison by PATCOB, revealed an underrepresentation in the following PATCOB categories:

		Percent	No.
PROFESSIONAL:	White Women	19.17%	277
	Black Women	2.10%	31
	Hispanic Women	0.85%	13
ADMINISTRATIVE:	White Women	14.37%	190
	Hispanic Women	1.55%	21
TECHNICAL:	White Women	4.15%	21
	Asian/Pacific Men	1.90%	10
CLERICAL:	White Women	3.09%	8

Percent= The degree of underrepresentation in the occupational category for the group compared to the CLF.  
No.= The additional members of the group needed for FHWA to reach parity with the CLF.

The percentage listed is the degree of underrepresentation in the occupational category for the group compared to the CLF. The number next to the percentage denotes the additional members of the group needed for FHWA to reach parity with the CLF at its September 1997 strength for the category. For instance, in the administrative category, FHWA is 1.55 percent below the CLF for Hispanic women. To reach parity within this group at its current strength of 1,325 in Administrative positions, FHWA needs 21 additional Hispanic women.

The PATCOB analysis is particularly misleading for FHWA. This is in regard to the 277 White women needed to reach parity in the professional category and the 190 White women needed to reach parity in the administrative category. The Post-Adarand Guidance states that “it is important that agencies carefully match the job qualifications in the jobs at issue with those in the relevant applicant pool as closely as possible. It would not be sufficient for an agency to have only a general sense that its EEO profile indicated minority underrepresentation. The Agency must go through the process of comparing minority representation in the job category at issue to the relevant pool in the civilian labor force to determine whether there is a sufficient substantial disparity and, therefore, a predicate for affirmative action.” The Post-Adarand Guidance further states, “An underrepresentation of minorities when compared to the general population or the general civilian labor force, however, would not be a sufficient predicate for the use of racial criteria in employment decisions when special skills or qualifications are required to perform the job.”

As illustrated below, in accordance with the Post-Adarand Guidance, further analysis of EEO groups in selected occupations shows that FHWA has done well in attracting minority and women professionals.

### B. Analysis of Selected Occupations

An analysis was made of the distribution of EEO groups within FHWA's selected occupations compared with the CLF for these occupations. The EEO groups analyzed included headquarters and the field, the field (only), and headquarters (only). The national differentiated CLF data for various occupational series used consisted of GS-0318 secretary, GS-0802 engineering technician, GS-0810 civil engineer, GS-1170 realty specialist, GS-2101 transportation specialist, GS-2123 motor carrier specialist, GS-2125 highway safety specialist, GS-0334 computer specialist, and GS-0020 community planner. The CLF data was used to evaluate EEO group representation in FHWA for nine of these selected occupations. In accordance with EEOC guidance, the FHWA civil engineering position was the only occupation directly compared to the CLF civil engineering occupation in the analysis of selected occupations. All other FHWA occupations were compared to the CLF PATCOB. This is because since engineers possess unique qualifications not shared by the population or profession-



als at large, the comparison should be between the percentage of minority engineers employed by FHWA and the percentage of minority engineers in the CLF.

The analysis revealed an underrepresentation for the following EEO groups in selected Agency occupations as of September 30, 1997. As in the PATCOB analysis, the percentage denotes the degree of underrepresentation in the selected occupations for the group compared to the CLF, and the number at the right denotes the additional representatives of the group FHWA needs to reach parity with the CLF at its September 1997 strength for the occupation. In the analysis of selected occupations for headquarters and the field, there is underrepresentation of White women in the secretary, engineering technician, realty, transportation specialist, motor carrier safety specialist, highway safety specialist, computer system specialist, and community planner categories; Black and Hispanic women in the engineering technician category; and Asian American/Pacific Islander men in civil engineering positions. For example, in the engineering technician category, FHWA is 6.60 percent below the CLF for Black women. To reach parity within this occupation at its September 1997 strength of 184 technicians, FHWA needs 12 more Black women. Similar percentages and needs are shown for the other occupations below:

**National Headquarters and the Field**  
(see Appendix B, pages 72–73)

<b>SECRETARY:</b>	White women	4.94%	10
<b>ENGINEERING:</b>	White women	35.30%	65
<b>TECHNICIAN:</b>	Black women	6.60%	12
	Hispanic women	3.4%	7
<b>CIVIL ENGINEER:</b>	Asian American/ Pacific Islander men	1.67%	21
<b>REALTY:</b>	White women	25.34%	19
<b>TRANSPORTATION SPECIALISTS:</b>	White women	14.03%	36
<b>MOTOR CARRIER SAFETY SPECIALISTS:</b>	White women	17.18%	44
<b>HIGHWAY SAFETY SPECIALISTS:</b>	White women	28.38%	45
<b>COMPUTER SYSTEM SPECIALIST:</b>	White women	9.01%	8
<b>COMMUNITY PLANNER:</b>	White women	17.40%	17

In accordance with the two standard deviation rule, there was no underrepresentation of minorities cited in the other selected occupations for headquarters and the field. Even though this is the case, it should be noted that there are no Hispanic, Asian/Pacific, and American Indian men in the secretary category. Black, Hispanic, and Asian/Pacific women, as well as Asian/Pacific and American Indian men, are missing from the engineering technician category; American Indian women from the civil engineering category; and Hispanic women and Asian/Pacific Islanders and American Indians (both male and female) from the realty category. Further, there are no Asian/Pacific women in the motor carrier category, no Asian/Pacific women in the highway safety category, no American Indian women in the computer specialist category, and no Hispanic and American Indian women in the community planner category. The following provides some explanation for this virtual absence of minorities as it relates to the standard deviation rule.

The Post-Adarand Guidance states that standard deviation analysis is less useful with respect for smaller sample sizes, as is the case in some of these selected occupations. “In determining whether race-based remedial measures are warranted, an agency may use documentary evidence showing historical under representation (or the virtual absence) of minorities at an agency over a long period of time may gloss on an existing statistical disparity, and thus provide further support for race-based remedial action.”

In the analysis of selected occupations in the FHWA field (only) category, there exists an underrepresentation of White women in the engineering technician, realty, transportation specialist, motor carrier safety specialist, and highway safety specialist categories; Black women in engineering technician positions; Hispanic women in engineering technician positions; and Asian/Pacific men in the civil engineering category. In the engineering technician category, FHWA is 3.4 percent below the CLF for Hispanic women. To reach parity within this occupation at its September 1997 strength of 184 technicians, FHWA needs 7 more Hispanic women. Similar percentages and needs for the other occupations follow:

**FHWA Field (only)**

(see Appendix B, pages 74–75)

<b>ENGINEERING TECHNICIAN:</b>			
	White women	35.17%	64
	Black women	6.60%	12
	Hispanic women	3.40%	7
<b>CIVIL ENGINEERING:</b>			
	Asian/Pacific men	2.17%	22
<b>REALTY:</b>			
	White women	24.27%	18
<b>TRANSPORTATION SPECIALIST:</b>			
	White women	19.94%	9
<b>MOTOR CARRIER SAFETY SPECIALIST:</b>			
	White women	17.17%	44
<b>HIGHWAY SAFETY SPECIALIST:</b>			
	White women	28.91%	43

As with the earlier comparison made of headquarters and the field, in this comparison of the FHWA field (only), it should be noted that there are no Black, Hispanic, Asian/Pacific, and American Indian men in the secretary category. Further, Black and Hispanic women, American Indian men, and Asian/Pacific Islanders are missing from the engineering technician category; American Indian women from the civil engineering category; Hispanic women, Asian/Pacific Islanders, and American Indians (both men and women) from the realty category; and Hispanic and American Indian women and Asian/Pacific Islanders (both men and women) from the transportation specialist category. Asian/Pacific Islander women are also missing from the motor carrier category; Hispanic and Asian/Pacific Islander women from the highway safety category; American Indian women from the computer specialist category; and Hispanic and American Indian women from the community planner category.

The Post-Adarand Guidance addresses the above situation by stating that it is feasible to use anecdotal evidence where the number of jobs at issue is so small that no reliable statistical analysis is possible, as may be the case with the FHWA field (only) category. To that effect, the Post-Adarand Guidance explains, “In those circumstances, agencies may rely on anecdotal evidence that there has been discrimination, or that there has simply been no, or exceedingly few, minority personnel despite the fact that hiring has occurred over a sustained period. This sort of evi-

dence could indicate that the absence of minority hiring is unlikely to be due solely to lack of qualified candidates, justifying race-conscious remedial action.”

For headquarters (only), underrepresentation of minorities was cited for White women in the secretary, transportation specialist, civil engineering, and community planner occupations and for Black men in the secretary and transportation specialist occupations.

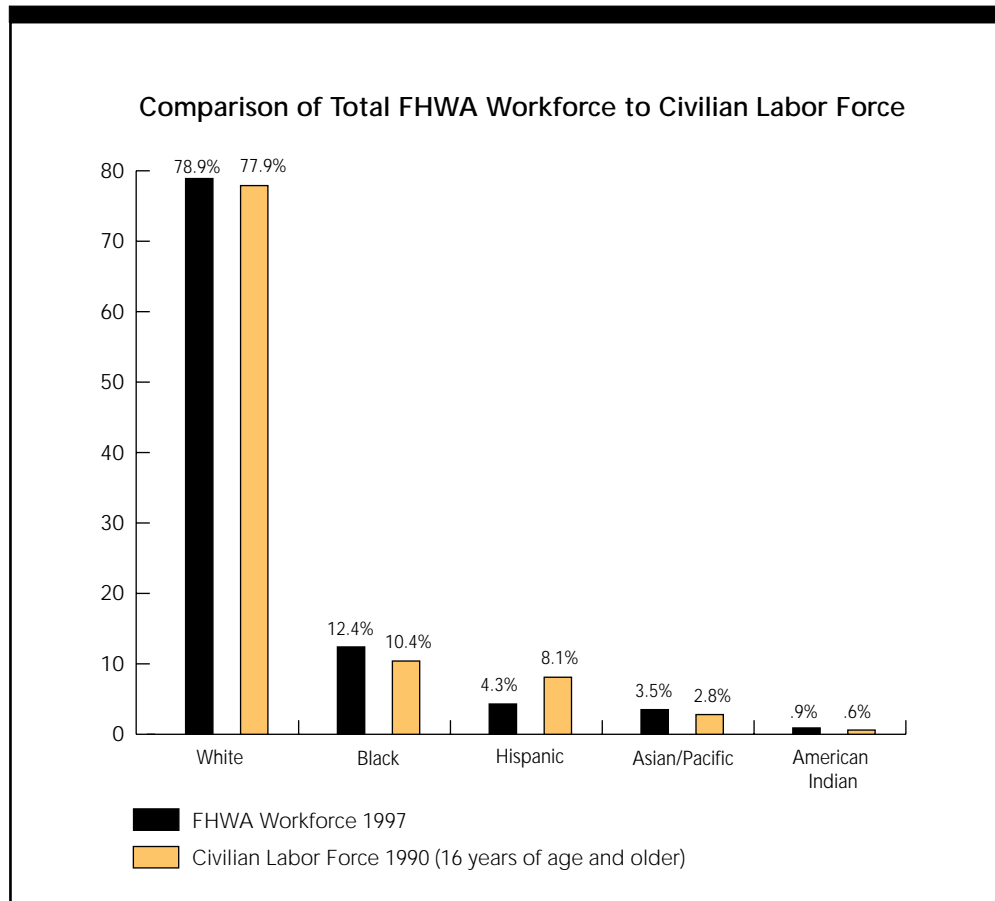
**Headquarters (only)**

(see Appendix B, pages 76–77)

<b>SECRETARY:</b>			
	White women	15.73%	12
	Black men	7.49%	6
<b>TRANSPORTATION SPECIALIST:</b>			
	White women	7.49%	16
	Black men	4.90%	11
<b>CIVIL ENGINEERING:</b>			
	White women	1.19%	3
<b>COMMUNITY PLANNER:</b>			
	White women	25.00%	10

As with the earlier comparisons made of headquarters and the field, and the FHWA field (only), for headquarters (only) there are no Hispanic men and no Asian/Pacific Islanders or American Indians represented in the secretary category. Moreover, no representation of Blacks, Hispanics, American Indians, and Asian/Pacific Islanders is to be found in the engineering technician category; and no Hispanic and American Indian women in the civil engineering category. Blacks, Hispanics, American Indians, and Asian/Pacific Islanders are missing from the realty category; American Indian men from the transportation specialist category; Hispanics, Asian/Pacific Islanders, and American Indians from the highway safety category; as well as Black men, Hispanics, and American Indians from the computer specialist category. Further, Hispanics and American Indians are absent from the community planner category.

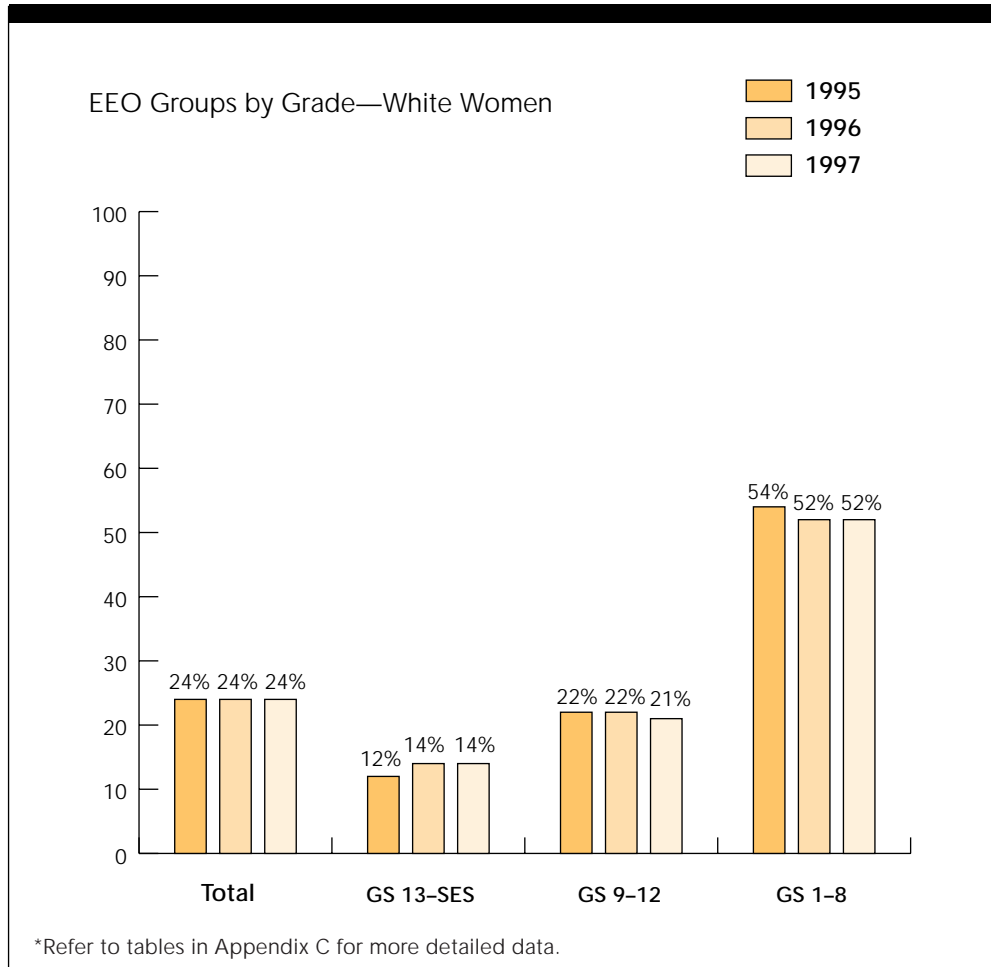
The sample sizes for the headquarters (only) category ranged from 230 civil engineers to 3 engineering technicians.



A comparison by PATCOB of the FHWA workforce to that of the 1990 CLF was also done. The comparison shows that FHWA has done very well in exceeding the CLF workforce percentages. There is reason for optimism about the progress FHWA has made in exceeding parity with the CLF. However, one EEO group is not achieving parity with the CLF, let alone exceeding it. Even though the analysis of the FHWA EEO groups did not indicate a significant underrepresentation of Hispanics in many of the selected occupations, they are the only underrepresented group in FHWA.

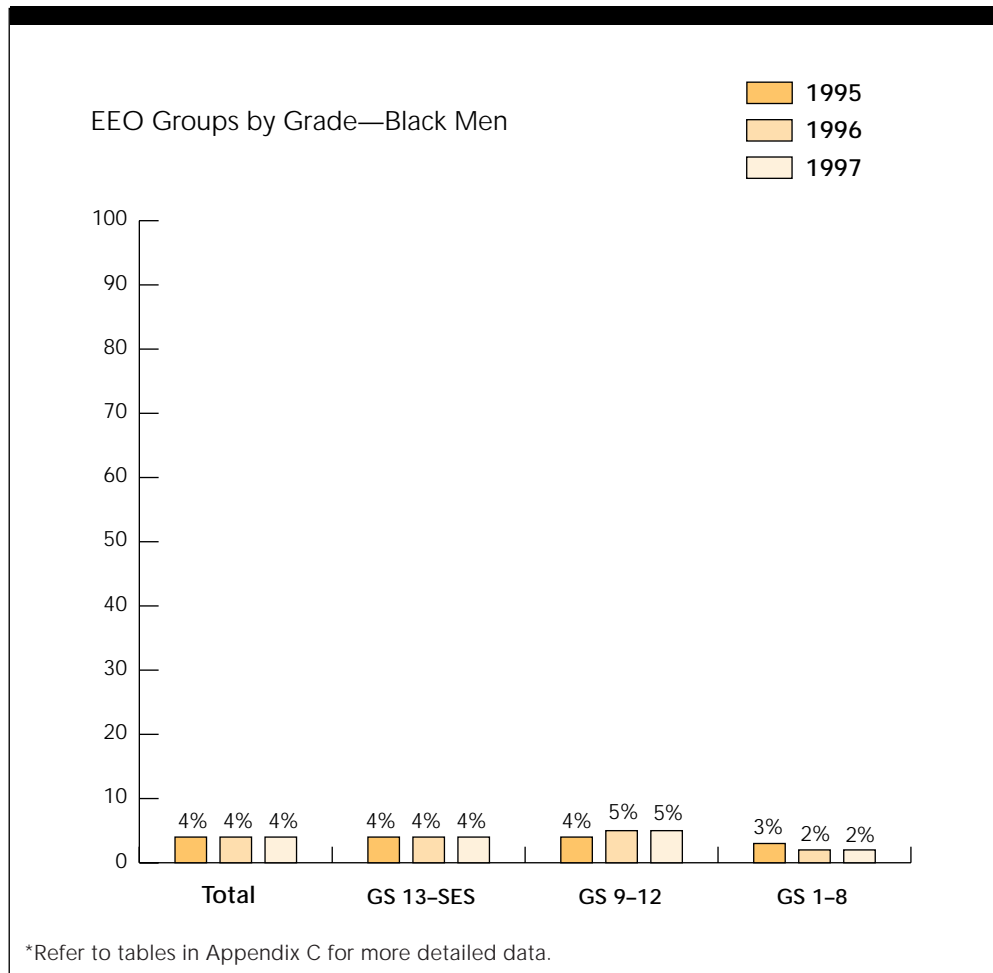
### C. Analysis of EEO Groups by Grade

The following charts present the representation of EEO groups by grade within the Agency for the years 1995 through 1997 (refer to tables in Appendix C, pages 78–81, for more detailed data). Generally, representation of EEO groups in upper-level jobs increased during this period. A brief analysis for each group follows.

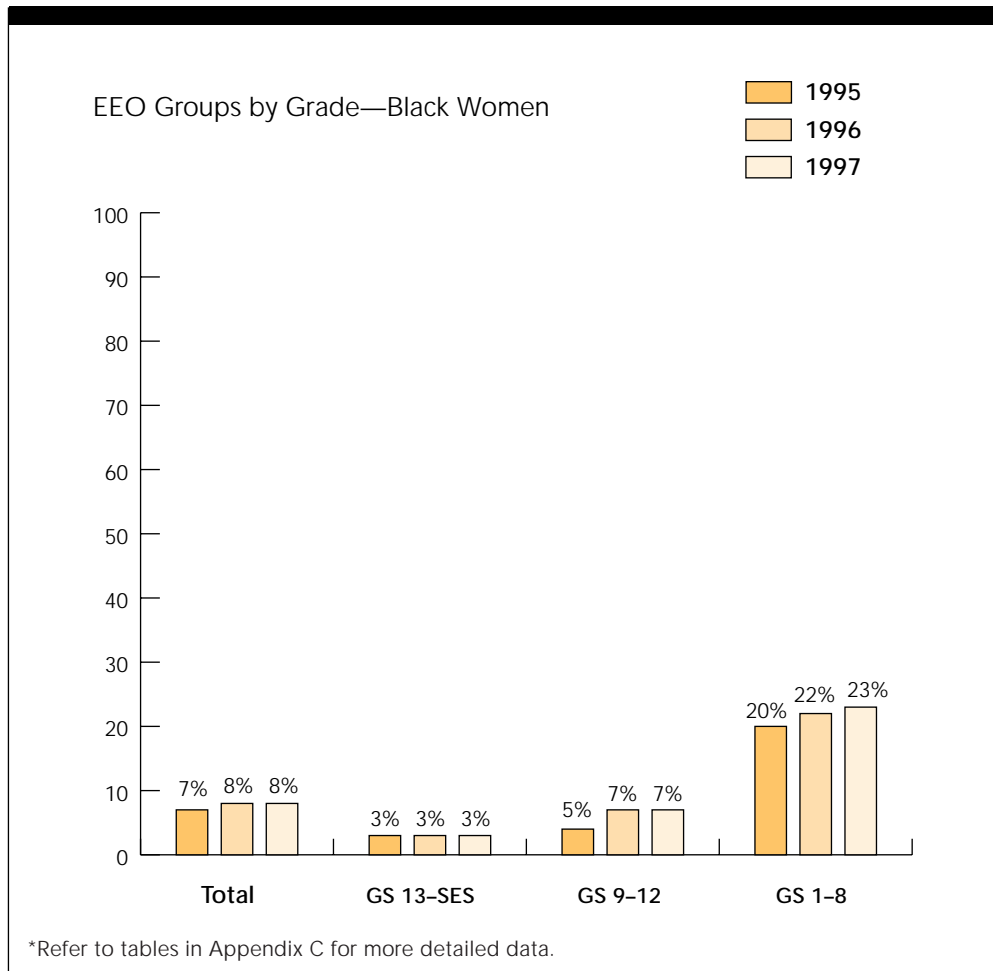


**White Women** remain underrepresented at the upper-level jobs (GS-13–SES) relative to their percentage of the Agency’s workforce, but the gap is closing. Overall, White women remained constant at 24 percent of FHWA’s workforce from FY 95 to FY 97. White women increased from 12 percent to 14 percent in upper-level positions and from 16 percent to 20 percent in SES positions during this period.

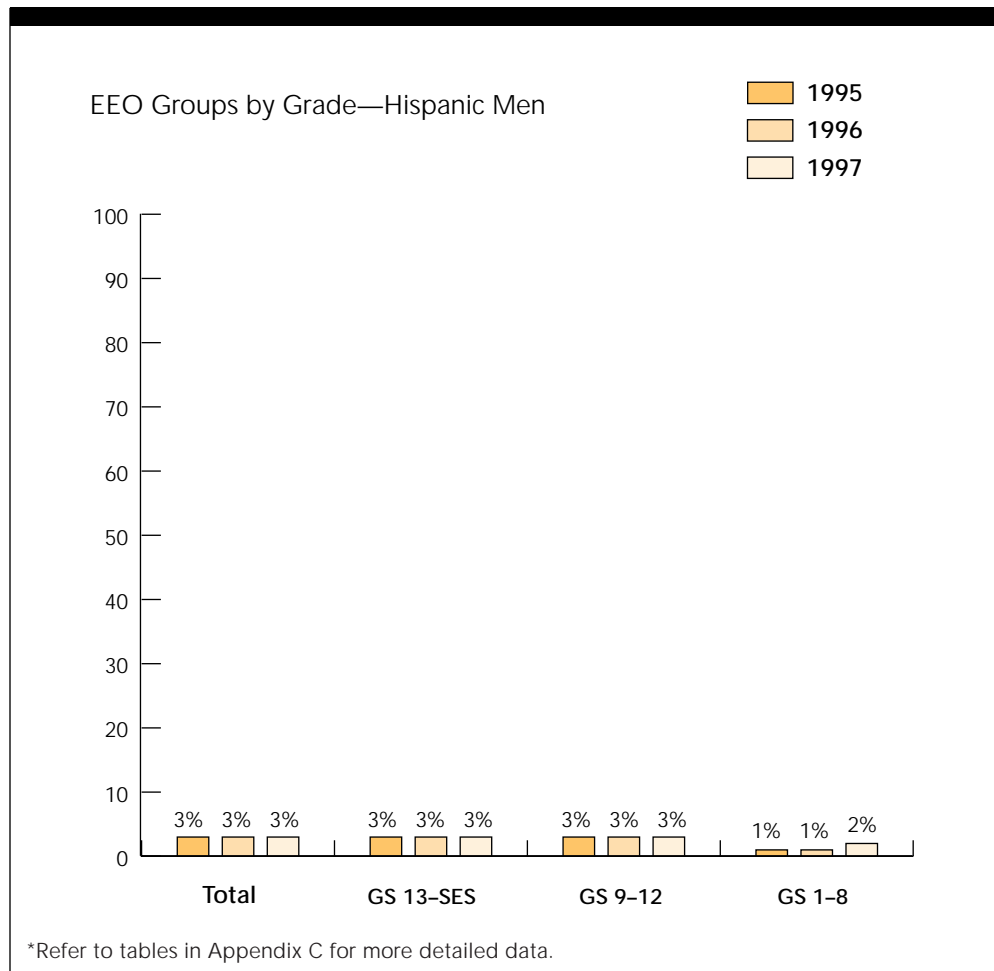




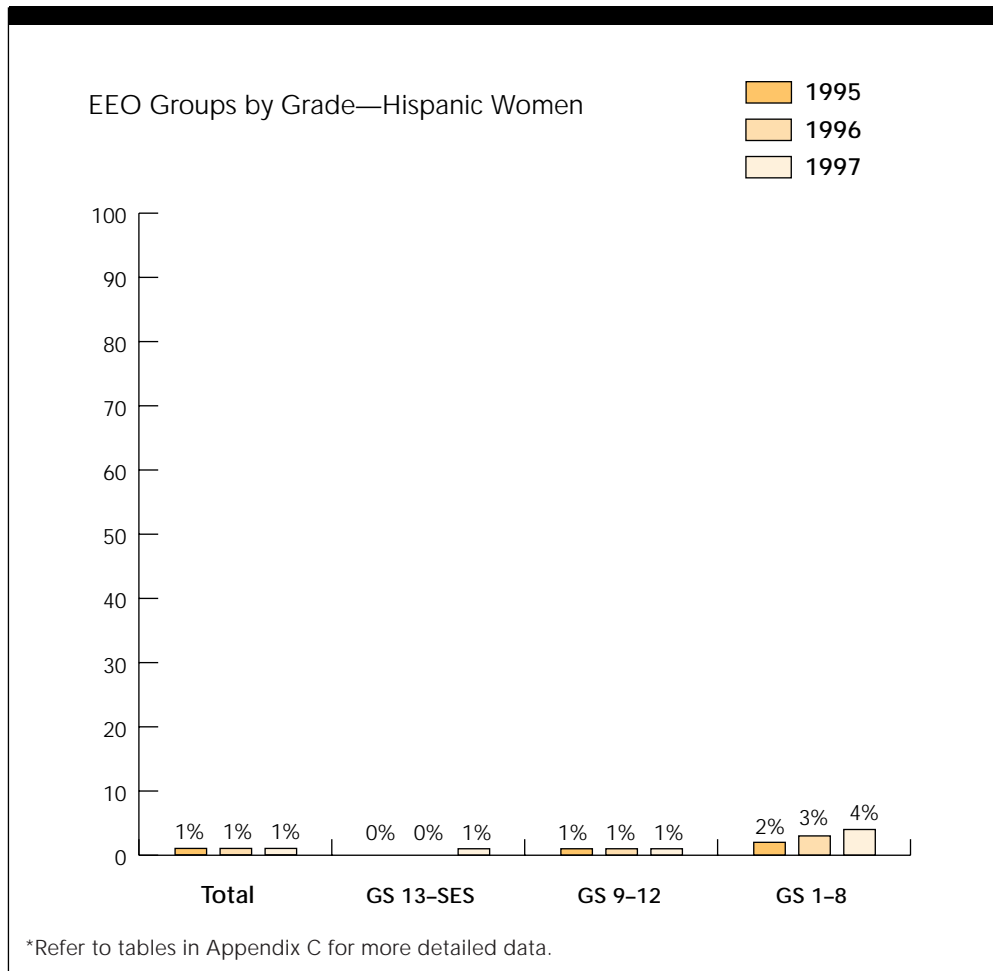
**Black Men** remained at about 4 percent of the workforce from FY 95 to FY 97. Their numbers in upper-level positions increased slightly in this period, from 60 to 67. One decrease that should be noted is that there were 16 Black men at the GS-14 level in FY 96 and only 11 at that level in FY 97. The numbers at the GS-15 and SES levels remained constant during this period.



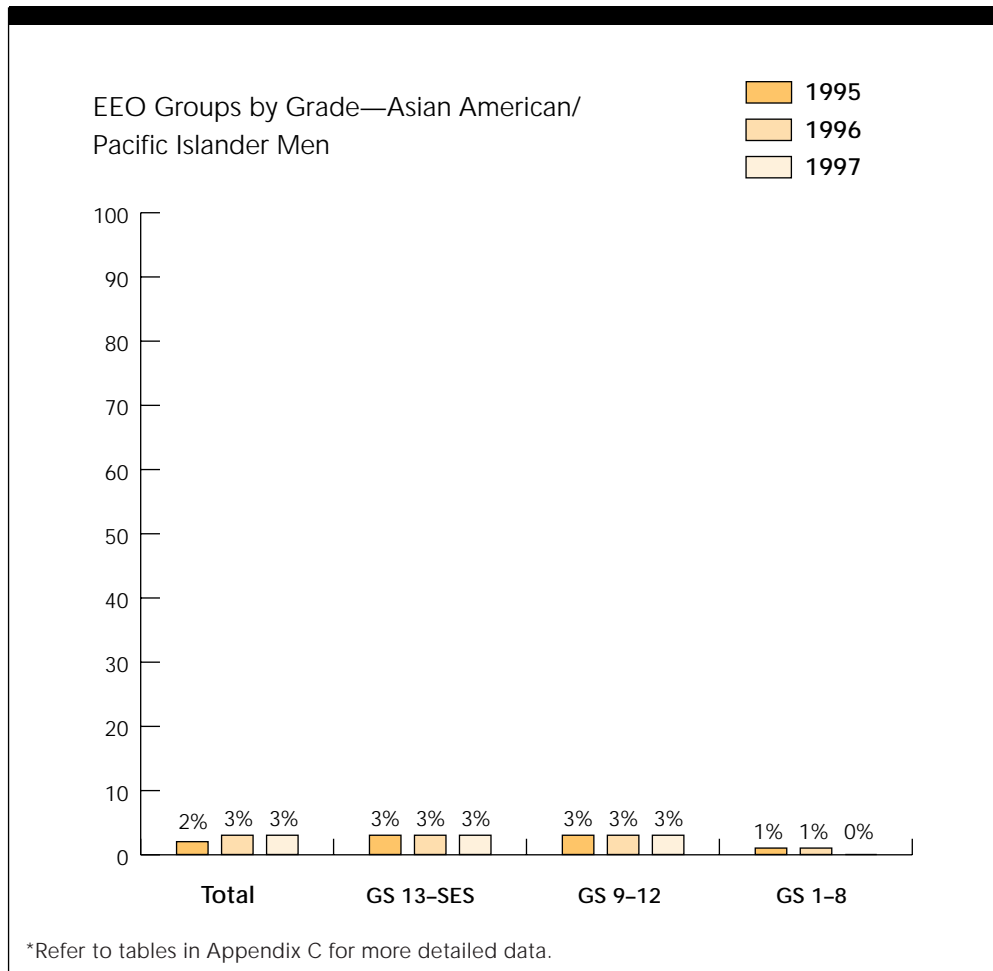
**Black Women** increased from 7 to 8 percent from FY 95 to FY 97, but in the upper-level jobs (GS-13-SES) they remain below their representation in the workforce. The number of Black women in upper-level positions increased from 40 to 52 from FY 95 to FY 97, and the number at the SES level increased from 1 to 3.



**Hispanic Men** increased from 100 to 106 during the period from FY 95 to FY 97. The number of Hispanic men in upper-level positions has increased from 47 to 49. Hispanic men remain underrepresented at the SES level.

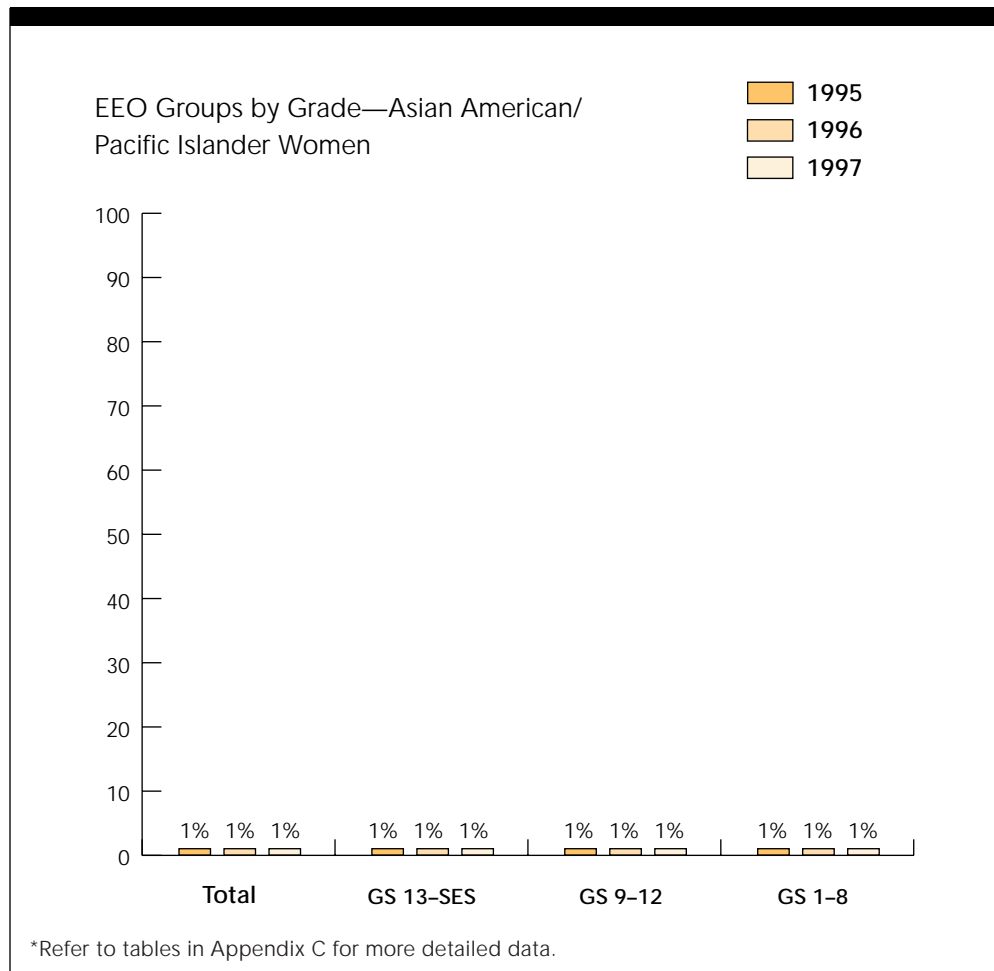


**Hispanic Women** increased from 29 to 47 between FY 95 and FY 97. The number of Hispanic women in upper-level positions has increased from 5 to 9. However, Hispanic women remain absent from the GS-14, GS-15, and SES levels.

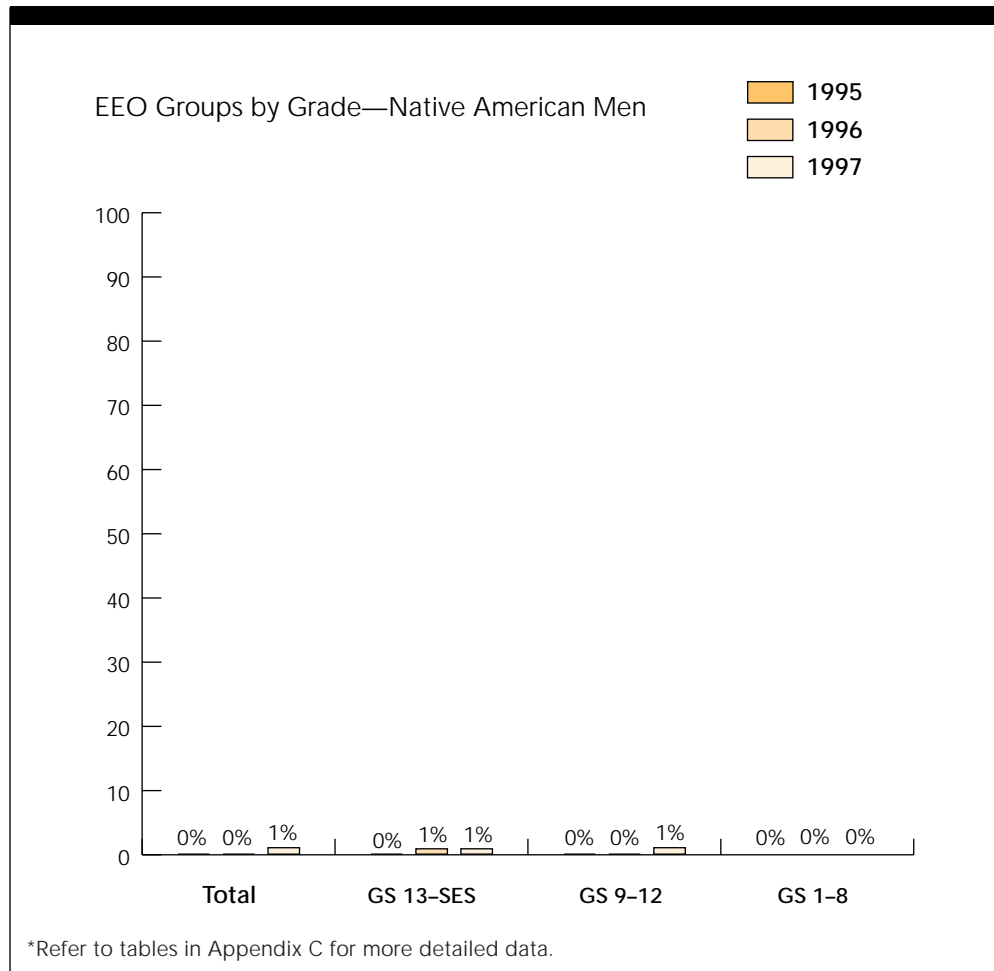


**Asian American/Pacific Islander Men** increased from 88 to 92 from FY 95 to FY 97, with upper-level positions increasing from 44 to 47 and SES positions increasing from 1 to 2.

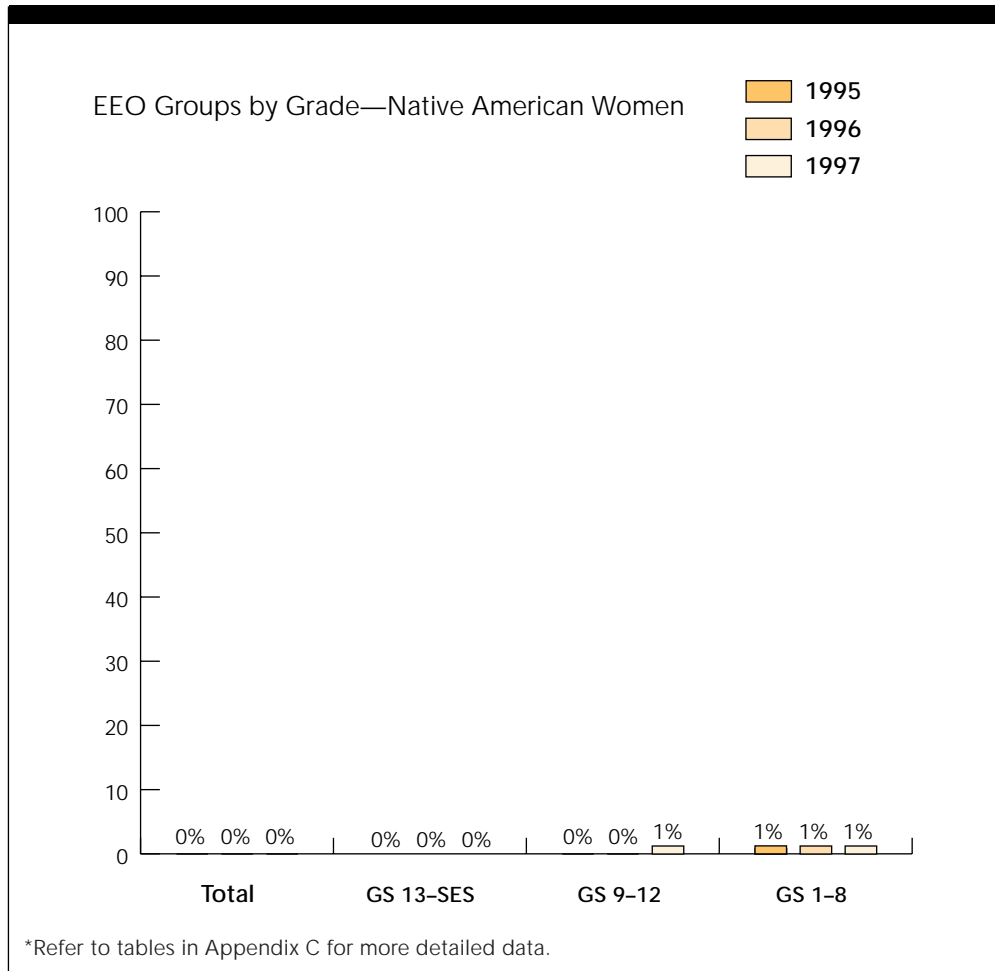




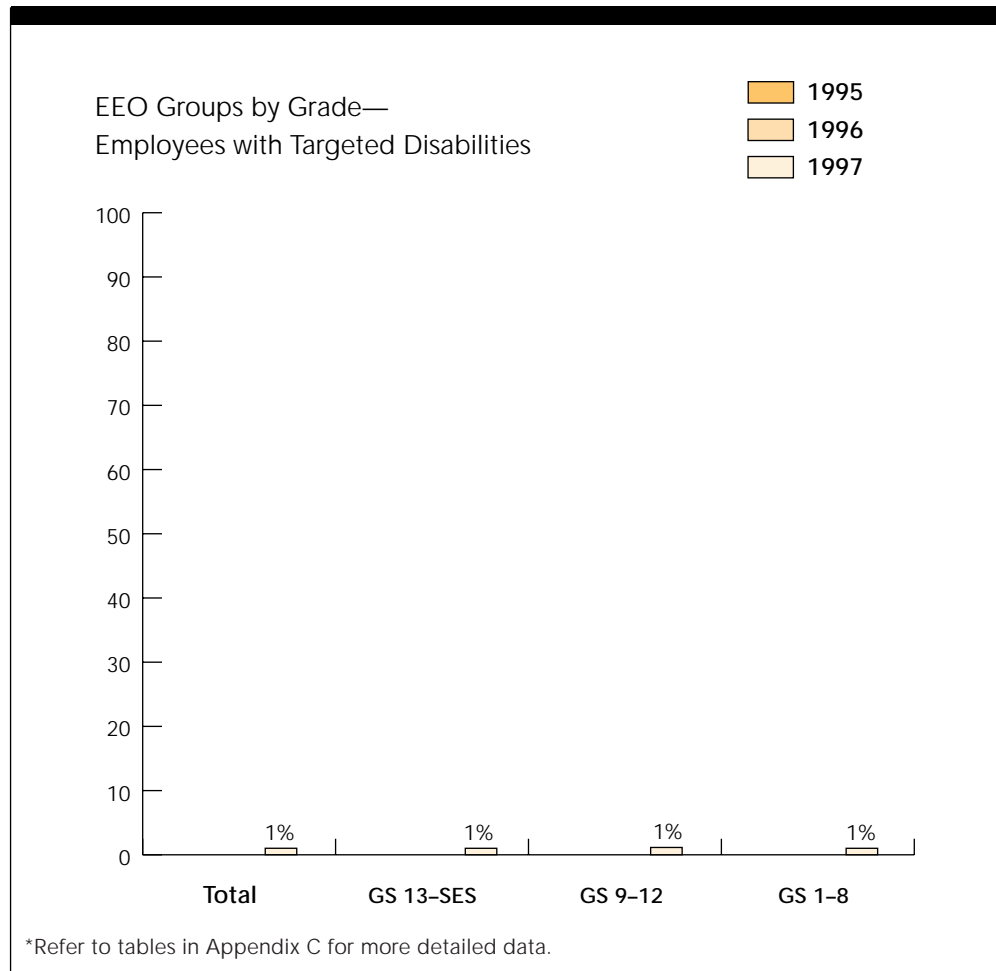
**Asian American/Pacific Islander Women** decreased from 37 to 35 during the FY 95 to FY 97 period, but upper-level positions increased from 11 to 13. Asian American/Pacific Islander women remain underrepresented at the GS-15 and SES levels.



**Native American Men** increased from 14 to 18 during this period, with an increase from 6 to 8 in upper-level positions. Native American men are absent at the SES level.



**Native American Women** decreased from 14 to 13 during this period, with upper-level positions decreasing from 2 to 1. Native American women remain underrepresented at the GS-14, GS-15, and SES levels.



**Employees with Targeted Disabilities.** Employees with targeted disabilities make up a small percentage of the workforce and are absent from the GS-15 and SES levels.

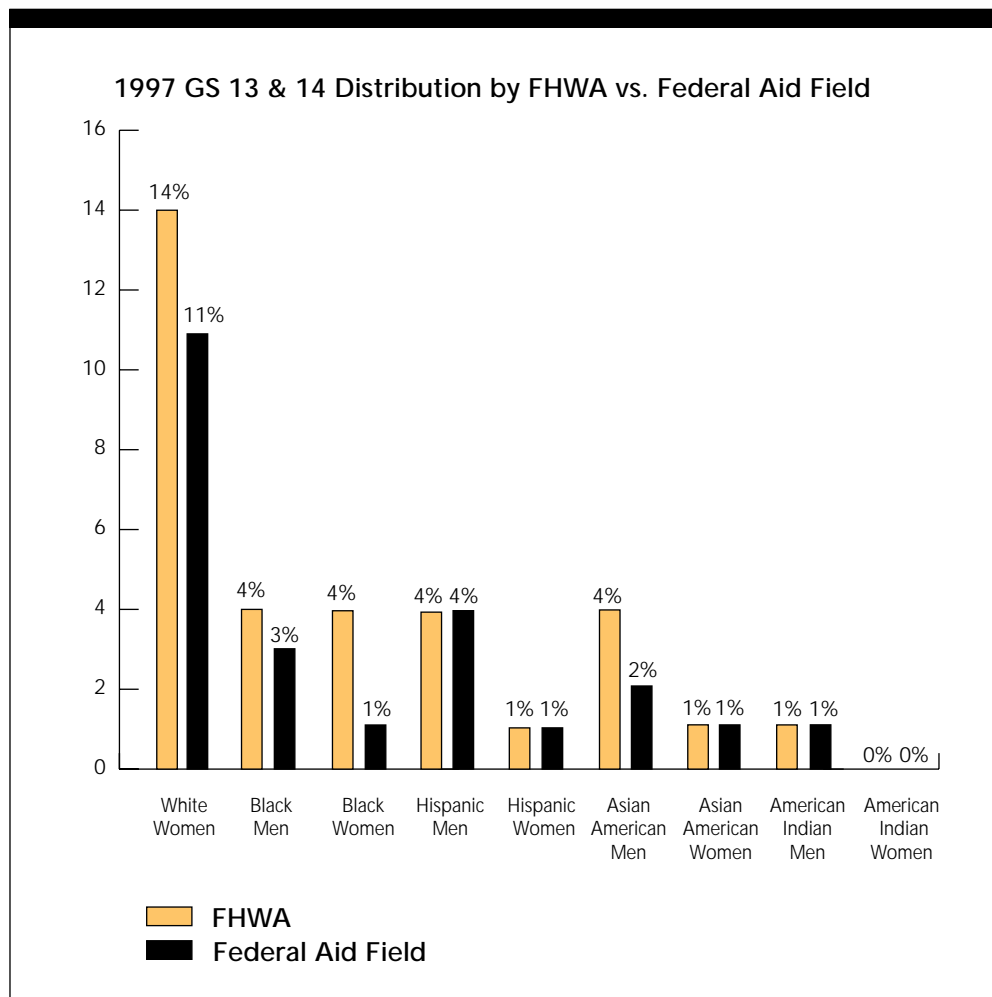
The data above are for employees with *targeted disabilities*. Employees may identify themselves as having a disability requiring accommodation although their disability may not fit into the definition of targeted disabilities. The *Affirmative Employment Plan for the Hiring, Placement, and Advancement of Individuals with Disabilities*, produced annually by the Office of Human Resources, defines targeted disabilities as follows:

Disabilities targeted for emphasis in a comprehensive affirmative employment program. The disabilities are as follows: deafness, blindness, missing extremities, partial paralysis, complete paralysis, convulsive disorders, mental retardation, mental illness, and distortion of limbs and/or spine. Reference EEOC Management Directive 713, dated October 6, 1987.

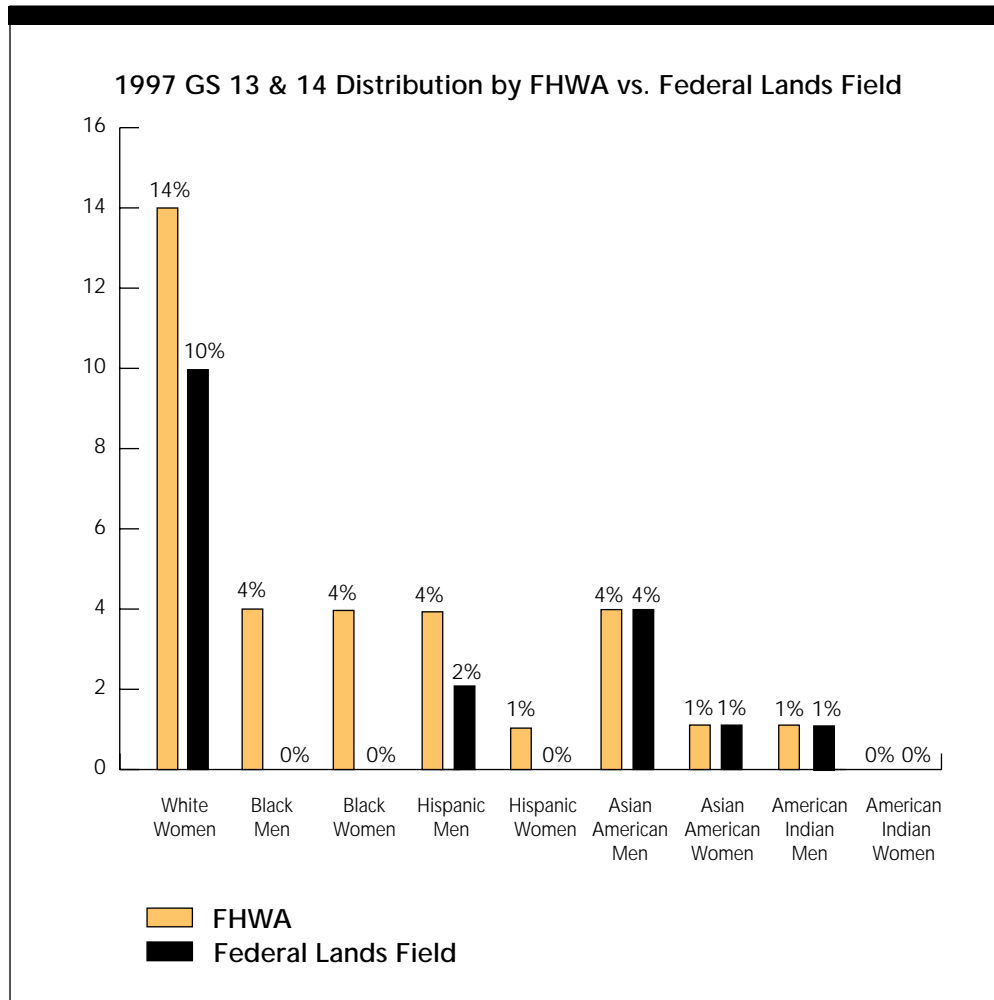
## D. Analysis of EEO Groups in Key Positions

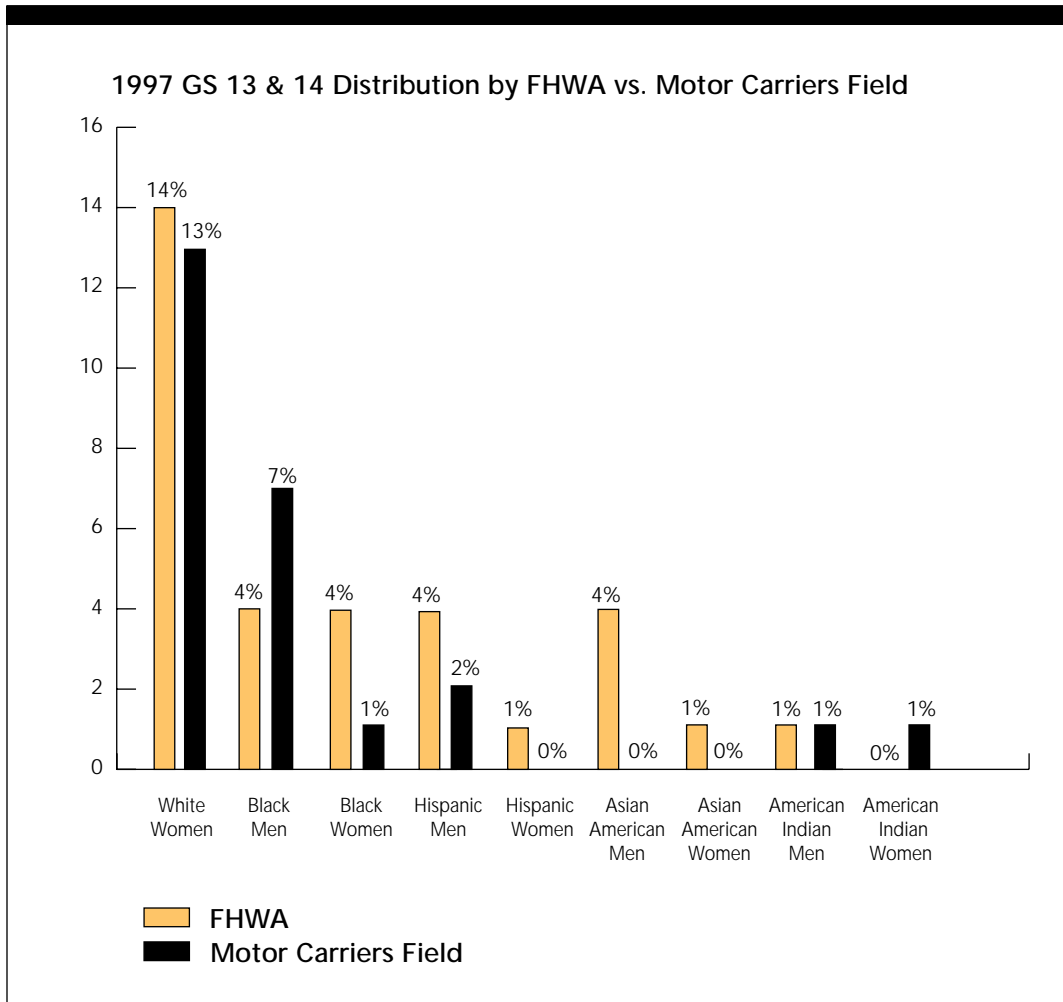
The underrepresentation of women and minorities in key positions that eventually lead to leadership positions was recognized in the 1988–1992 and 1996–1998 MYAEP Plans. The underrepresentation of those EEO groups is a major finding in this Plan also. Field experience is desirable for most, if not all, leadership positions in the Agency. The charts below clearly show that women and minori-

ties are underrepresented in field positions. It is essential that selecting officials be made aware of the underrepresentation so they can take it into consideration in their personnel decisions. It is strongly recommended that all selecting officials be briefed on the need to consider employees in the underrepresented groups (refer to tables in Appendix D, pages 82–83, for more detailed data).









# III. Discrimination Complaints

The Department of Transportation reorganized its civil rights program in 1994, transferring authority for the formal internal discrimination complaint process to the Departmental Office of Civil Rights (DOCR). Under DOT Order 1100.60A, Section 1.45, the modal administrators retained the responsibility for the EEO counseling program, which involves resolving informal allegations of discrimination through counseling or alternative dispute resolution. This section provides statistics on complaints that have been filed and examines how FHWA handles complaints.

## Filing a Formal Complaint

Under the reorganization a formal complaint should be filed with the DOCR office responsible for the geographical area where the alleged discrimination occurred. The complaint must contain a signed statement from the person claiming to be aggrieved or that person's attorney representative. If the representative is not an attorney, then he or she cannot sign the complaint. Only the complainant would be able to sign the complaint document. The statement must be sufficiently precise to identify the aggrieved individual and the modal administrator alleged to have discriminated against the complainant and describe the action or practice that forms the basis of the complaint. The complaint must also contain a telephone number and address where the complainant or representatives can be contacted. Attachments to the complaint are considered a part of the complaint document.

### *FHWA EEO Complaint Process*

The FHWA counseling process consists of informal resolution of allegations brought by an employee, former employee, or applicant for employment. The EEOC, as lead agency in the implementation of the Federal EEO Program under Title VII of the Civil Rights Act of 1964, requires (29 C.F.R. 1614) that a complainant must contact an EEO counselor within 45 calendar days of the date the alleged discriminatory event occurred. In some circumstances, FHWA may extend the 45-day limit for timely contact by individuals for inclusion in the counseling pro-

cess. The complainants may select any counselor of their choice, and have the right to anonymity during the counseling phase of the complaint process unless they waive that right. The aggrieved person has the right to representation throughout the complaint process, including the counseling stage.

Informal counseling must be completed within 30 calendar days unless both parties agree in writing to an extension of not more than 60 calendar days. The complainant cannot file a formal complaint until the EEO counselor has had an opportunity to resolve the matter. During the initial interview, the counselor asks the aggrieved person to explain his or her allegation on the matter. The counselor also asks how the complainant wants the matter resolved. It is important to realize, however, that the counselor does not represent the complainant or management in the resolution process.

### *EEO Counselor*

Proper EEO counseling is a vital element of the Federal system for processing and resolving the EEO concerns of employees and applicants for employment in the Federal sector. The Administrator is responsible for administering the EEO counseling functions.

The counselor is a neutral party whose function is to attempt informal resolution and to provide accurate information regarding the complaint process and the rights of aggrieved parties and management. The counselor contacts the management official who can resolve the matter and if appropriate may ask the management official to make a resolution offer. The counselor attempts to negotiate an agreement between the aggrieved person and the management official. During the process, the counselor may choose to interview witnesses and review records. The counselor shall attempt to hold the final interview within 30 calendar days of the date the matter was brought to his or her attention. Although counseling may continue beyond the 30th day (if the time period was extended by mutual consent of the aggrieved party and the management official), the aggrieved person does have the right to file a formal complaint on or after the 30th day.

If the matter has not been informally resolved by the conclusion of the counseling period, the complainant will be informed in writing of the right to file a discrimination complaint. If the individual wishes to file a complaint at the conclusion of counseling, he or she must file in writing within 15 calendar days of the receipt of the EEO counselor's Notice of Right to File a Discrimination Complaint. Only issues raised at the counseling stage (or matters like or related to those issues) may be the subject of the formal complaint.

Public information regarding the complaint process and how to file a complaint of discrimination has either been limited or not available, except in a few areas. However, it appears that this problem is being remedied. An informational brochure has been printed outlining the policy of the Federal government in prohibiting discrimination and providing the names and phone numbers of FHWA EEO counselors.

## Complaint Activity

### *Pre-Complaint Counseling*

In the Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints for fiscal years 1995, 1996, and 1997, which DOCR compiles for submission to the EEOC, the following data was provided for FHWA:

	FY 95	FY 96	FY 97
Number counseled within 30 days	23	15	20
Number counseled within 60 days (with extension)	0	1	0

	FY 95	FY 96	FY 97
Number of counselors on September 30	30	28	27

Although the number of counselors has remained relatively constant, there are no minimum qualifications for counselors and no visible effort to recruit highly qualified counselors. The counselor is arguably the most important aspect of the EEOC process. The counselor is the first EEOC representative that the complainant sees and it is important that they be qualified and well trained. To this end, the Civil Rights SBU has begun a process to provide training for EEO counselors approximately once a year.

### *Formal Complaints*

The DOCR reported on the following FHWA formal complaint processing activity for FY 96 and FY 97:

	FY 96	FY 97
New cases accepted	9	10
Cases moved to appeal status	4	4
Cases moving into a pending hearing status	0	3
Investigations completed	15	13
Cases closed	14	13
Final Agency decisions completed	6	7

The FY 96 complaint activity includes action on some cases opened in previous fiscal years and processed in FY 96, and some cases that continue to be processed in FY 97.

The complaint activity is further explained as follows:

Year	Total*	Issues
FY 97	10	1 award 1 disciplinary action 1 evaluation/appraisal 5 harassment 3 promotion/nonselection 1 reassignment 2 training
FY 96	9	1 disciplinary action/ suspension 1 equal pay act violation 1 evaluation/appraisal 5 promotion/nonselection 1 sexual harassment
FY 95	20	6 disciplinary action 2 evaluation/appraisal 1 harassment 12 promotion/nonselection 1 proposed termination 1 retirement 1 terms/conditions of employment

\*A complaint may have more than one issue.

The total number of FHWA formal complaints are provided as follows:

FY 97	10 complaints filed
FY 96	9 complaints filed
FY 95	20 complaints filed
FY 94	13 complaints filed
FY 93	12 complaints filed
FY 92	5 complaints filed

There has been an increase in the number of complaints every year except FY 96. Most complaints in FY 97 involved harassment. This problem is one that may continue to grow as our workforce becomes increasingly diverse. One solution would be to provide training for supervisors on avoiding harassment.



## IV. Recruitment and Hiring

In our analysis of the Agency's recruitment and hiring activities, we examined phases of personnel practices and policies as they relate to recruitment and hiring. It is noted throughout this section that an underrepresentation and/or conspicuous absence of certain minority groups exists throughout the Agency.

Each year the Office of Human Resources distributes the FHWA Recruitment Plan. The Recruitment Plan serves as the Federal Equal Employment Opportunity Recruitment Program (FEORP) Plan and Report. The FEORP emphasizes continued partnerships and increased communication with the professional and academic communities. Specifically, the plan and report outlines recruitment objectives, methods for recruitment, outreach efforts, identification of recruiters, SES recruitment efforts, and Employment of Persons with Disabilities recruitment efforts. In addition, the plan incorporates the MYAEP, recruitment activities and conferences, and recruitment under the Career Training Programs.

### External Recruitment Sources and Strategies

External recruitment sources generally include circulation of job announcements to the Federal Job Opportunity Bulletin Board (FJOB) at the Office of Personnel Management, placement of ads in local and nationwide newspapers, and an active relationship with key associations and professional groups such as the Historically Black Colleges and Universities (HBCU), the Society of Hispanic Professional Engineers (SHPE), Hispanic Association of Colleges and Universities (HACU), the Hispanic Serving Institutions (HSI), Organization of Chinese Americans (OCA), the American Indian Science and Engineering Society (AISES), and the Society of Women Engineers (SWE).

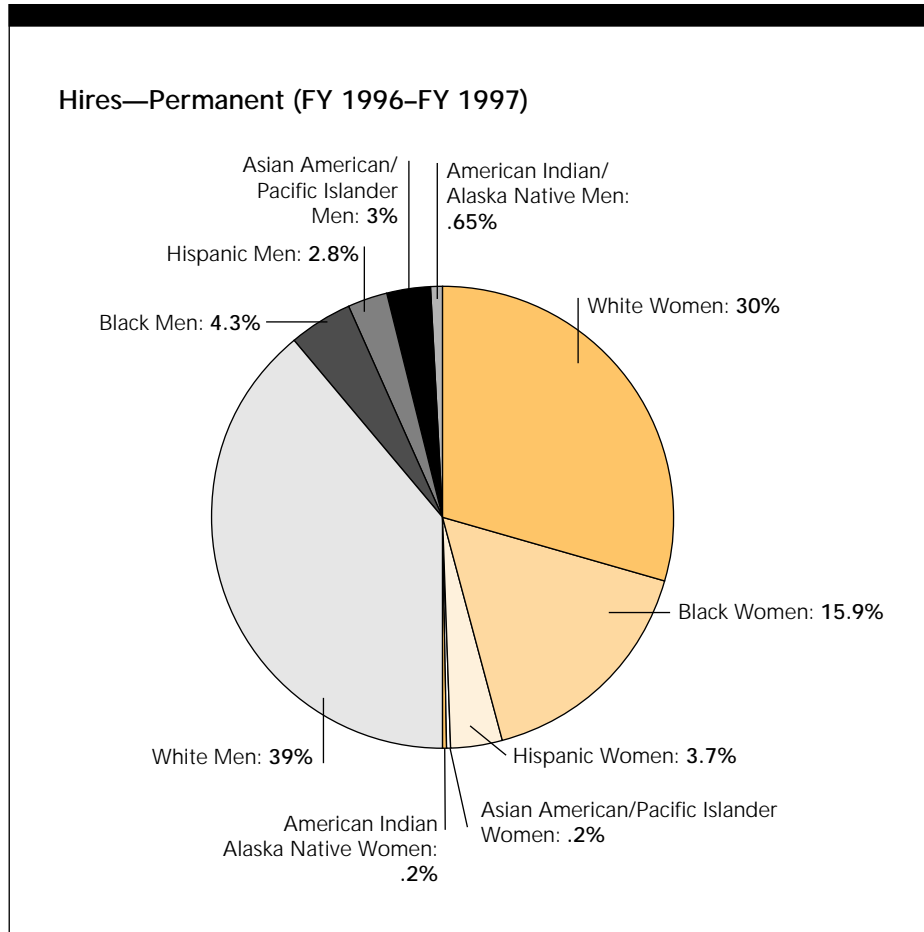
### Internal Recruitment Sources and Strategies

Most trainee, mid-level, and senior level positions in the Agency are filled through merit promotion procedures. Upward Mobility and Merit Promotion programs are currently the most effective methods for internal advancement of appropriate EEO groups. The Upward Mobility program provides a means for employees lacking some requirements to enter mainstream occupations having greater promotional potential. Career advancement to career ladder positions typically occurs through the advertisement of vacancies via the merit promotion plan. In FY 97, approximately 56 percent (287) of FHWA employees who received promotions were minorities and women, as compared to FY 96, when 31 percent (154) of FHWA employees who received promotions were minorities and women.

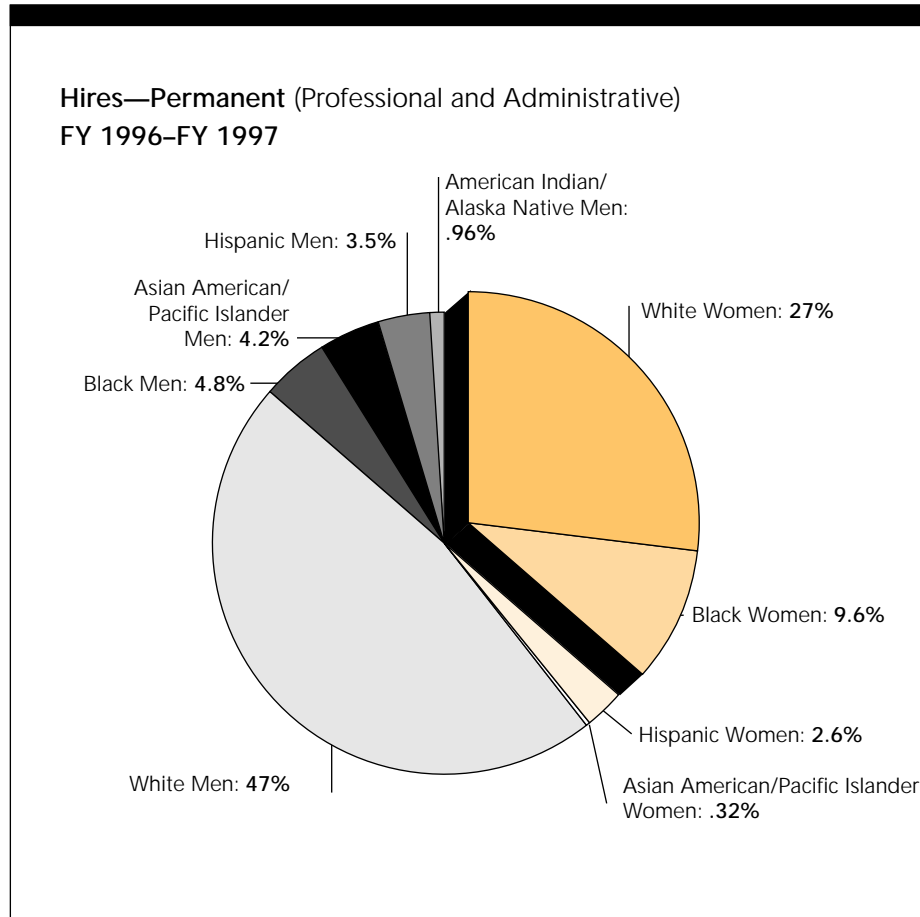
### Permanent Hires

In FY 1997 permanent hires from outside sources decreased to 189 hires from 271 hires in FY 1996. The number of White women decreased to 91 hires (48 percent) from 139 hires (51 percent) in FY 1996.

It was noted in the FY 1996–1998 Multi-Year Affirmative Employment Program Plan that the Agency needed to hire 115 White women in various occupations to reach parity with the CLF. A total of 136 White women were hired in Fiscal Years 1996 and 1997. However, 146 White women left the Agency during these 2 years (refer to Chapter VII).



In FY 1997, FHWA hired a total of 189 individuals from outside the Agency. Part of this effort included 31 hires under the Career Training Program. Agency-wide, 109 (57 percent) of the total hires in FY 1997 were minorities and/or women, as compared to FY 1996, when 171 (63 percent) of the total hires were minorities and/or women.



In 1997 the recruitment of professional and administrative occupations decreased to 129 from 183 in FY 1996.

The 1996–1998 MYAEPP indicated that in order to reach parity in several professional and administrative positions, the Agency would need to hire 88 women (74 White women, 4 Black women, 7 Hispanic women, and 3 Asian/Pacific women). In FY 1996 and FY 1997, a total of 84 White women were hired in professional and administrative positions.

## Recruitment of Employees with Disabilities

FY	Total	Minority Men	Minority Women	White Men	White Women
1996	12	2	5	4	1
1997	11	0	0	6	5

Over the last 2 years a total of 23 employees with disabilities were hired, which constitutes 4.6 percent of the total permanent hires in FY 1996 and FY 1997.

### Recruitment for Career Training Programs

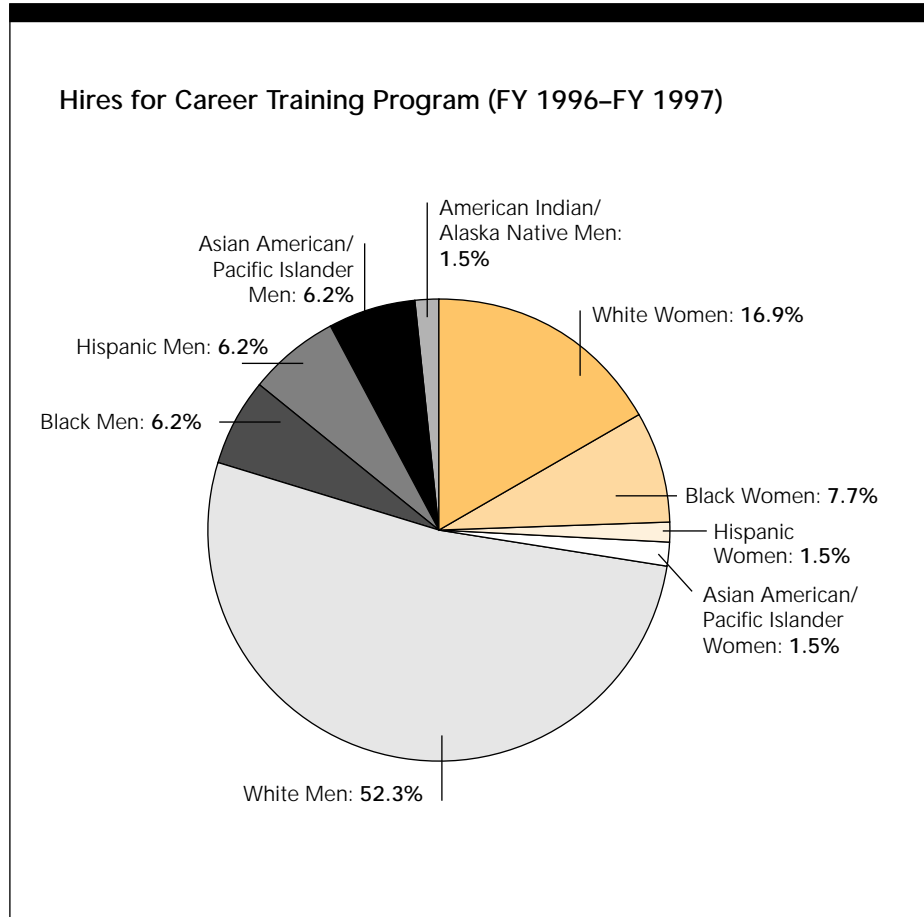
The FHWA offers a number of career training programs through which entry-level professional and administrative employees are prepared for transportation careers in key occupations nationwide, including highway engineer, structural engineer, transportation planner, transportation specialist, environmental protection specialist, right-of-way specialist, civil rights specialist, financial manager/financial specialist, and motor carrier specialist. The number of hires for these programs varies each year depending on anticipated losses in the occupational group. The Highway Engineering Training Program (HETP) is the only program for which there has been hiring each year. In FY 1996 and FY 1997, 65 people were hired under the

HETP, with minorities and women representing 48 percent of those hired.

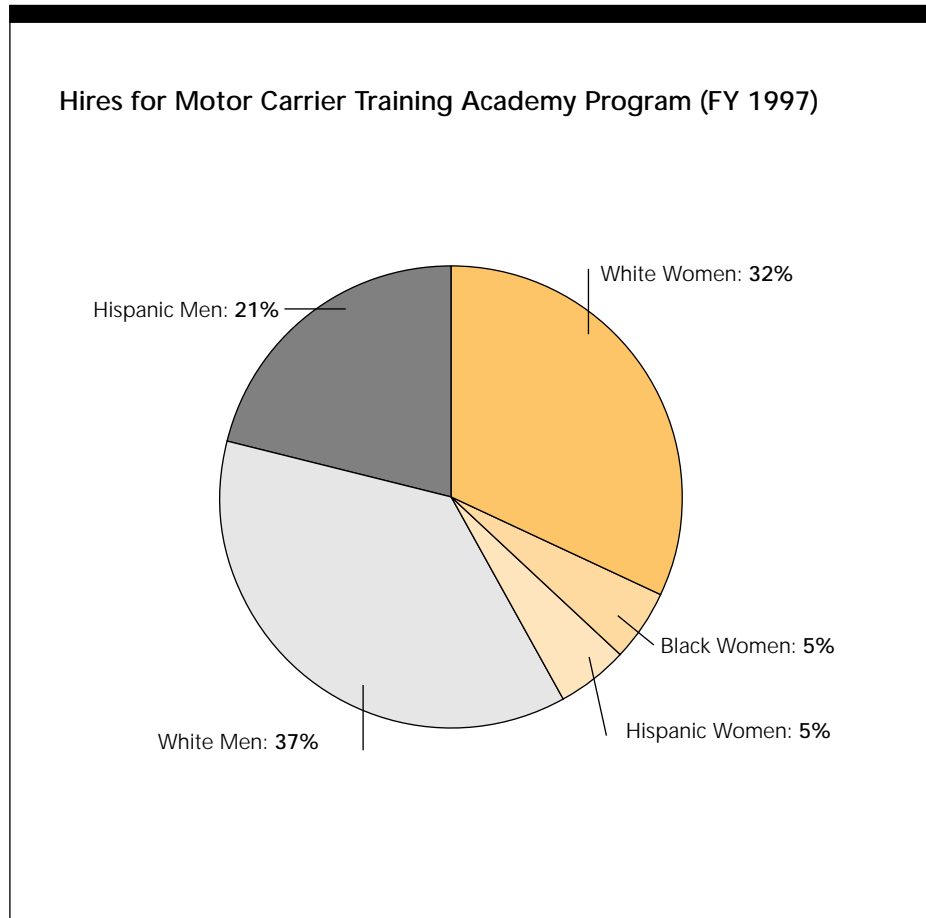
FHWA recognizes the critical need for ensuring the diversity of its workforce at the entry level. Thus, recruiting for FHWA's Career Training Programs is managed by the FHWA Human Resource Centers located in Atlanta, Georgia, and Denver, Colorado. This enables the Agency to place a strong emphasis on affirmative hiring and actions that promote diversity. Beginning in FY 2000, the Career Training Programs will be redesigned and known as the FHWA Professional Development Program.

Cooperative education programs are used in FHWA field offices to attract candidates for B.S. or advanced civil engineering degrees. These programs will provide the Agency with additional sources of diverse candidates for future career training programs.

The following charts reflect the number of participants and demographics for the Career Training Programs.



The Career Training Program includes the 24-month HETP, 18-month Transportation Planning/Traffic Management Program, Highway Materials Training Programs, and the Right-of-Way Training Program. The 1997 hires under the Career Training Program added up to 31 (16 percent) of the total hires in FHWA. Forty-eight percent of the hires under the Career Training Program were minorities and/or women.



The 1997 hires under the Motor Carrier Training Academy Program comprised 19 (10 percent) of the total hires in FHWA. Sixty-three percent of these hires in 1997 were minorities and/or women. There were no hires under this program in 1995 and 1996.

**Hires for Student Career Employment Program (FY 1997)**

Program	Occupation	EEO Groups
Student Employment Program (Co-op)	<b>Federal Aid</b> Civil Engineer, 0899 Community Planner, 0099 Financial Specialist, 0599 <b>Federal Lands Highway</b> Civil Engineer, 0899	1 Hispanic Woman, 1 Hispanic Man 1 Black Woman 1 Black Man, 1 White Woman  5 White Men, 3 White Women, 1 Hispanic Man

In FY 1997 a total of 14 students were hired under the Student Career Employment Program, of which 9 (64 percent) were minorities and/or women.

**Welfare-to-Work Program**

On March 8, 1997, President Clinton directed Federal agencies to provide Government employment for welfare recipients. Under the auspices of a Departmental Welfare to Work Program, FHWA hired 32 welfare recipients nationwide by the end of FY 1998, exceeding its original goal of 30. To identify welfare candidates for positions, the Agency established linkages at local levels with the Department of Labor, Federal Executive Boards, and State and local employment offices. While the majority of welfare recipients are hired as worker trainees, other appointment authorities are being identified as appropriate. FHWA will continue to examine its vacancies, at all levels, to see if opportunities exist for hiring qualified persons who are receiving welfare.

**Educational Outreach Activities\***

FHWA is involved in a number of initiatives to identify and attract diverse groups to careers in transportation, including the **Garrett A. Morgan Technology and Transportation Futures (GAMTTF) Program**.

The GAMTTF Program is designed to (1) improve students' science and technology skills, (2) strengthen the links between the transportation sector and community colleges, junior colleges, and technical schools, (3) expand

transportation programs at undergraduate and graduate institutions, and (4) promote continuing education programs for transportation professionals.

FHWA's educational outreach activities support the objectives of the GAMTTF Program. These activities include the following programs:

*1. Transportation and Civil Engineering (TRAC) Careers*

The TRAC program is sponsored by the American Association of State Highway and Transportation Officials (AASHTO), professional engineering societies, and minority and educational institutions. It is part of a partnership effort between FHWA and AASHTO that is designed to improve the diversity of the transportation profession.

The TRAC program aims to increase awareness among high school students, their parents, and their teachers about transportation and civil engineering careers. This is done by providing students and math and science teachers with an innovative kit of curriculum-relevant teacher aids and a mobile laboratory known as the Transportation Research Activities Center (TRAC). In addition, a national electronic bulletin board system gives high school students access to a wealth of information about transportation and engineering.

The TRAC program ran as a pilot project from 1991 to 1995 in California, Florida, Maryland, New York, Pennsylvania, and Washington. It was then launched as a national program in the spring of 1995 with the full endorsement of the AASHTO Board of Directors. The program is now in 20 additional States, as well as Puerto Rico, the U.S. Virgin Islands, and South Africa.

\*The information for the programs detailed in this section is as of September 30, 1998.

## 2. *DOT Summer Transportation Internship Program for Diverse Groups (STIPDG)*

The STIPDG is jointly sponsored by FHWA, Federal Transit Administration, Research and Special Programs Administration, and Federal Railroad Administration. It is administered by colleges, universities, and related associations such as Morgan State University (MSU), HACU, OCA, and National Association of Equal Opportunity and Higher Education. FHWA chairs the advisory committee and contributes approximately two-thirds of the funds.

The internship program is designed to attract and promote the entry of minorities, women, and persons with disabilities into transportation fields where these groups are underrepresented. The program offers 20 college students a 10-week agenda of research, work experience, and on-site visits to introduce them to many aspects of the complex field of transportation. Applicants must have completed their freshman year of studies and must be currently enrolled in a degree-granting program (associate or baccalaureate) at the undergraduate level at an accredited institution of higher learning. Applicants must possess a minimum grade point average of 2.5 or equivalent.

## 3. *TransTech Academy Program*

In February 1994, FHWA became a partner in Cardozo High School's TransTech program. This program combines educational opportunities with an emphasis on transportation career identification and training, followed by job placement and/or continued education after high school graduation. FHWA hires students, donates computers and other surplus equipment, and supports activities such as career days, graduation and award ceremonies, orientations to FHWA, mentoring of students, and on-campus presentations by program officers. FHWA presently has 18 former and current TransTech students on the rolls. The student population is ethnically diverse.

## 4. *Partnerships with Minority Institutions of Higher Education (MIHE)*

In 1992, FHWA established an HBCU task force to identify options to enhance the involvement of HBCUs in a wider spectrum of FHWA programs and projects and to determine the most effective means to utilize HBCUs as recruiting resources. Although many initiatives were imple-

mented to meet the task force recommendations, there still existed significant opportunities to increase HBCU involvement in FHWA programs. In 1997, FHWA established another HBCU and Other MIHE Task Force to identify options to facilitate, enhance, and increase the participation of HBCUs and other MIHEs, which include HSIs and tribal colleges and universities. Both task forces recommended that FHWA establish and continue partnership with HBCUs and other MIHEs.

Since 1991, FHWA has signed partnership agreements with 15 HBCUs: Morgan State University, North Carolina A&T State University, South Carolina State University, Florida A&M University, Albany State College, Benedict College, University of Arkansas at Pine Bluff, Southern University at Baton Rouge, Howard University, Johnson C. Smith University, Elizabeth City State University, Fayetteville State University, Delaware State University, Virginia State University, and West Virginia State University.

In 1994, FHWA signed a partnership agreement with Lac Courte Oreilles Ojibwa Community College, a tribal college located in Wisconsin. In 1998, FHWA entered into a partnership agreement with another tribal college, University of North Carolina at Pembroke (UNC-P). UNC-P was the first 4-year college to serve only Native Americans in the United States. Additional partnership agreements were signed in 1998 with three MIHEs in Chicago, Illinois: Roosevelt University, Olive-Harvey Community College, and Harry S. Truman Community College. Harry S. Truman Community College is classified as an HSI. It is through these agreements that HBCUs are provided technical assistance, curriculum development, exchange of staff, and resources. The goal of the partnerships is to develop a better, ongoing relationship with each MIHE. FHWA was further directed by the recommendations of the 1997 task force to establish partnerships in each State or Territory in which an MIHE is located.

## 5. *National Summer Transportation Institute (NSTI)*

The NSTI was one of the many activities that was generated by the Agency's partnership with South Carolina State University. This 4-week program is designed to encourage middle and high school students to pursue careers in the transportation industry. Since its inception, approximately 1,300 students and 17 MIHEs have participated in the program. Students are introduced to a variety of surface transportation disciplines such as highway design, transporta-



tion safety, and environmental science. Most of the institutes also offer a residential component, providing students with the opportunity to experience campus life.

Partnership is key to the past and future success of NSTI. In addition to FHWA support, the institutes also receive assistance from local chapters of the Urban League, State departments of transportation, private sector companies, other Federal and State agencies, and a wide range of MIHEs. In 1998, Congress authorized funding for NSTIs under Section 1208 of the Transportation Equity Act for the 21st Century (TEA-21). TEA-21, in essence, recognized the success of the 5-year pilot program and formally established the current NSTI.

#### 6. *Dwight David Eisenhower (DDE) Transportation Fellowship Program*

The DDE program, which was developed in 1992 under the provisions of the Intermodal Surface Transportation Efficiency Act of 1991, encompasses all areas of transportation. The program objectives are to: 1) attract the Nation's brightest minds to the field of transportation, 2) enhance the careers of transportation professionals by encouraging them to seek advanced degrees, and 3) retain top talent in the transportation industry. The program awards over 100 fellowships annually to students who are pursuing transportation-related degrees (i.e., engineering, accounting, business, architecture, and environmental sci-

ences). The program is made up of six awards categories:

- **Graduate Fellowships:** To enable students to pursue masters degrees or doctorates in transportation-related fields.
- **Grants for Research Fellowships:** To acquaint students with transportation research, development, and technology transfer activities at DOT.
- **HBCU Fellowships:** To provide students with additional opportunities to enter careers in transportation.
- **HSI Fellowships:** To provide HSI students with additional opportunities to enter careers in transportation.
- **Tribal College Initiatives:** To provide students at tribal colleges and universities with additional opportunities to enter careers in transportation.
- **Eisenhower Faculty Fellowships:** To provide talented faculty in transportation fields with opportunities to improve their transportation knowledge, including attendance at conferences, courses, seminars, and workshops.

For the 1998-99 academic year, 18 Hispanic students and 14 HBCU students were selected to receive DDE Transportation Fellowships. Also, two HSI faculty and four HBCU faculty were selected to receive fellowships. During the summer of 1998, two students from Lac Courte Oreilles Ojibwa Community College in Hayward, Wisconsin, represented the DDE Transportation Fellowship Program's first involvement from a tribal college.

## V. Employee Development Program

In FY 1997 an Agency-wide Skills Assessment Survey was conducted. The results of this survey demonstrated a move from hands-on activities (i.e. construction, enforcement) to a proactive involvement with partners in fostering best practices, improving technology, and identifying solutions to complex problems. The new role requires extensive training in the following areas:

- Intelligent Transportation Systems (ITS)
- Innovative Financing
- Computer Science
- Planning
- Environment

In addition, the Skills Assessment identified the need to improve interpersonal skills critical to FHWA's mission. During FY 1998 the FHWA Recruitment Plan may be modified as needed to incorporate specific strategies and activities needed for enhancing recruitment in certain skills areas.

### Revised FHWA Training Process

Beginning in FY 1998 FHWA revised the Agency training process. The HR career development staff will continue to budget for Agency-wide central training activities.

The Headquarters and field offices will budget locally funded activities and incorporate local training opportunities into their overall budget submission. Each leadership team will receive central training allocations, GOE allotments, and earmarked funds for local training.

The leadership team, managers, and organizational training coordinators will have flexibility to use any combination of their central training allocation and GOE training funds to enroll employees in FHWA courses and/or seek training through local vendors and universities.

The FHWA human resources staff will keep a portion of the central training dollar fund allocation to continue to procure Agency executive and managerial courses.

The total number of dollars spent on training was \$3,090,394 in 1997 (1.6 percent of FHWA's salary payroll excluding benefits). This was reduced to \$2,874,863 in 1998 (1.4 percent of total Agency salary payroll excluding benefits).

### Training Management System (TMS)

FHWA's TMS is an electronic tool designed to capture training information and support a systematic approach to managing the training process. The system records employee training needs and accomplishments. TMS is used to facilitate and document discussions and agreements between leaders, supervisors, and employees on organizational training priorities, individual training needs, and courses/developmental opportunities that will meet organization and employee training needs. While it is not mandatory to use the training needs assessment feature in TMS, this feature does serve as a starting point for discussions between supervisors and employees.

In FY 1999 the Agency is redesigning the TMS to provide easier access and compatibility with IT infrastructure. Additional information on FHWA's training process is available electronically on the FHWA Staff Net.

In addition to the individual instances of training presented to employees, FHWA offers a number of special formal training programs to prepare employees for leadership positions. The chart on page 34 illustrates some opportunities that the Agency has offered employees to develop as supervisors, managers, and executives.

In FY 1997 there was an increase in the number of minorities and women who attended leadership training. Of the 39 employees who attended leadership training, 24 (62 percent) of these employees were minorities and/or women. This is an increase from FY 1996, when 42 percent of the 37 employees who attended the training were minorities and/or women.

**Professional Development Opportunities**

Training Opportunity	FY	Number of Participants	EEO Groups
Career Strategies	96	14	3 White men, 8 White women, 2 Black women, 1 Native American man
	97	18	8 White women, 5 White men, 4 Black women, 1 Hispanic man
DOT Fellows/Executive Potential Program	95	7	2 White women, 2 Asian/Pacific men, 1 Black man, 1 White man, 1 Hispanic man
	96	12	6 White men, 4 White women, 1 Black man, 1 Asian/Pacific man
	97	5	2 White women, 3 White men
Highway & Transportation Management Institute	96	10	4 White men, 2 White women, 2 Black men, 1 Hispanic man, 1 Asian/Pacific man
	97	10	5 White men, 3 Black women, 2 Asian/Pacific men
Presidential Management Intern	97	4	3 White men, 1 White woman
Legislative Fellows Program/ Elmer Ball	96	1	1 White woman
	97	2	1 White man, 1 White woman
Federal Executive Institute	95	5	1 White woman, 1 Black man, 3 White men
	96	5	4 White men, 1 Black woman
	97	3	2 Black men, 1 White man
Academic Study Program	97	10	2 White women, 7 White men, 1 Hispanic man

FHWA also offers a number of career training programs through which entry-level professional and administrative employees are prepared for transportation careers in key occupations nationwide, including highway engineer, structural engineer, transportation planner, transportation specialist, environmental protection specialist, right-of-way specialist, civil rights specialist, financial manager/financial specialist, and motor carrier specialist.

Both the career development staff and the DOT Connection, located at headquarters, can provide career counseling services to FHWA employees.

**Academic Study Program**

The Academic Study Program (ASP) focuses on the following specific areas of study that will help to meet the Agency's strategic objectives and primary skills needs:

- Intermodal Freight and Logistics
- Environmental Sciences
- Safety Engineering/Safety Management
- Safety Information Systems

- Pavements/Materials/Geo-Tech
- Transportation Planning and Management
- Intelligent Transportation Systems
- Financial Management/Innovative Finance

Proposed study programs are designed to improve individual and organizational performance and contribute to achieving the Agency's mission, performance, goals, and strategic needs. Nominations are evaluated by a panel of FHWA managers and experienced professionals representing disciplines for which employees are nominated. FHWA provides funding for employees. In return, participants must be willing to relocate, if required. Centralized funding is provided for approved programs of study. Full-time study may be supported up to 1 year, while part-time study may be supported up to 2 years. In FY 1996, no ASP selections were made. In FY 1997, a total of 10 employees participated in ASP. Three (30 percent) of the 10 participants were minorities or women, as compared to FY 1995, when 13 (57 percent) of the 23 participants were minorities and/or women. These figures represent both full-time and part-time study.

## VI. Promotion

**T**he FHWA Merit Promotion Plan was revised to provide management with increased flexibility to select the best qualified candidate while ensuring merit. The program covers all organizational elements and positions throughout FHWA, except for SES positions, which fall under OPM guidelines.

The policy statement in the plan clearly indicates that actions taken will be guided by merit and nondiscrimination; that is, selections and promotions through FHWA are based on job-related criteria and on merit principles. In those instances in which discriminatory or nonmerit practices are alleged, the plan provides guidance to the employee concerning the opportunity to consult with an EEO counselor regarding his/her concerns or discrimination complaint.

A significant number of the Agency's mainline occupations (e.g., highway engineers and motor carrier specialists) are filled through recruitment of entry-level college graduates at the GS-5/7 level. These positions have career ladders, and employees are promoted noncompetitively to the journey level, which is identified in the merit promotion plan. FHWA's managers systematically promote career ladder employees noncompetitively to the next higher grade after they meet specific experience and performance requirements. Supervisors are provided advisory assistance on counseling employees who do not receive career ladder promotions or within-grade increases. The employees may have the need for further training or improvements in performance to be considered for a promotion or within-grade increase. In some cases, a performance improvement plan is prepared and discussed with the employee.

Merit promotion procedures may be used to fill positions for which there is not a career ladder. Vacancy announcements are distributed depending on the area of consider-

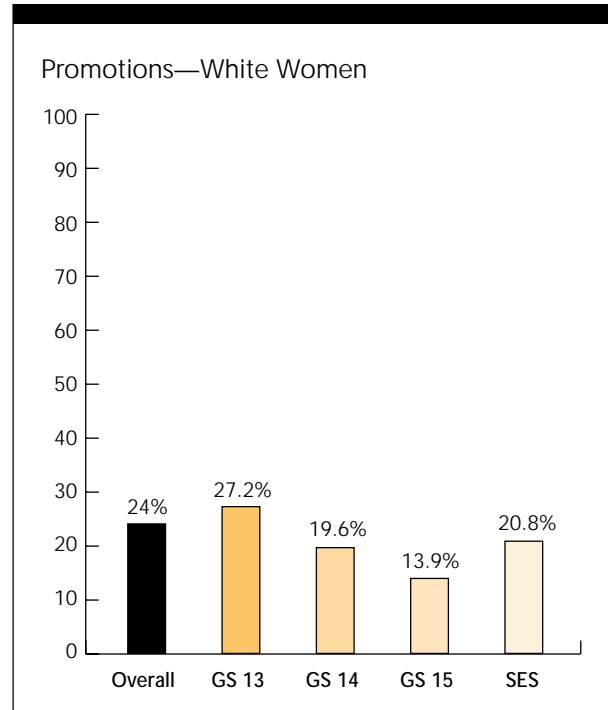
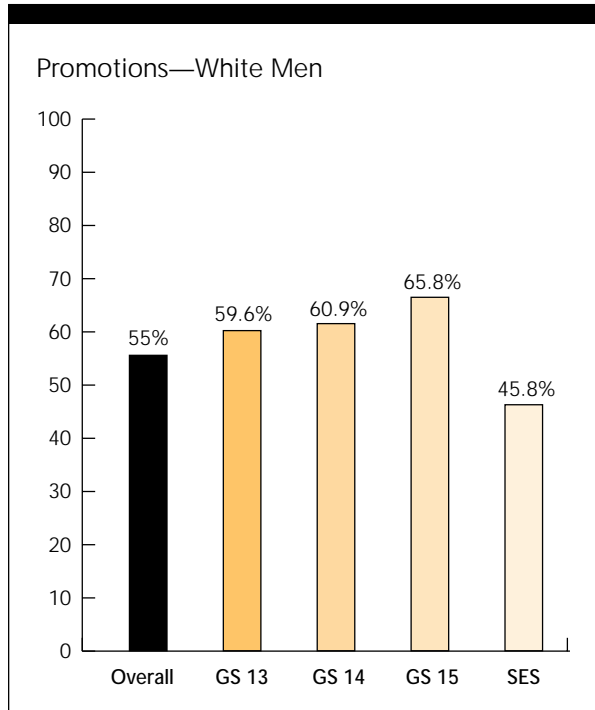
ation. Selection officials are responsible for ensuring diverse representation of panel members when a merit promotion panel is convened.

FHWA has taken additional actions during the last few years to increase the range of career opportunities for non-engineers and office support staff. Specifically, positions are being reviewed as they are vacated to determine whether they require engineering knowledge and skills. If not, they are being reclassified in occupational series, such as transportation specialist and program analyst. For example, several vacant SES positions were restructured from technical and engineering classifications to managerial positions.

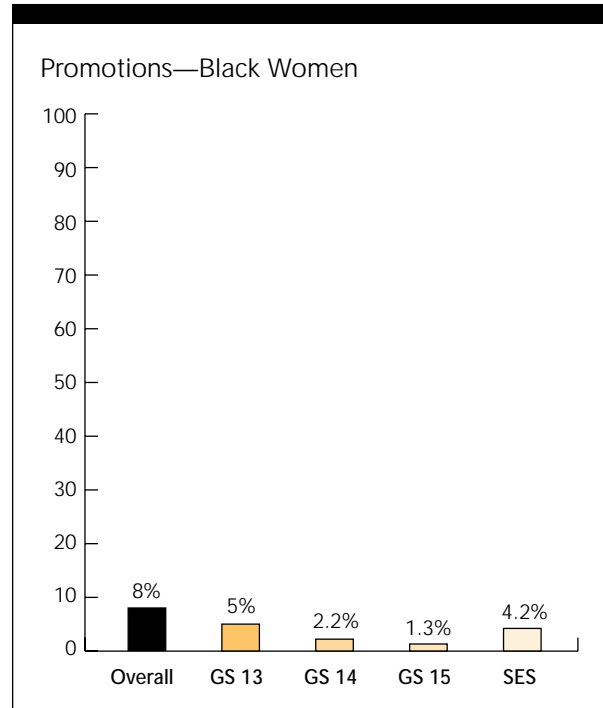
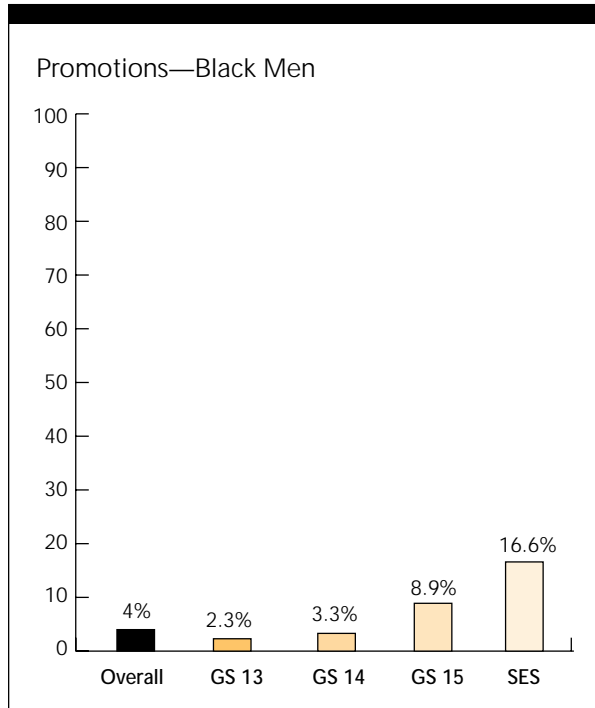
To provide career enrichment and advancement opportunities for office support staff, FHWA has been encouraging supervisors to examine the work of their offices and identify work that is more challenging and will better utilize the skills of the office support staff. Since 1992, over 200 clerical and office support employees have moved into paraprofessional or administrative/program positions, thus gaining the experience to qualify for professional positions.

Another initiative that helps prepare employees for advancement opportunities is the selection of women and minorities to attend the Federal Executive Institute, Harvard University Program for Senior Managers in Government, various university programs for executive development, and Capitol Hill and White House workshops, etc. Employees participate in formal executive management programs designed to broaden their executive skills so they may be prime candidates for senior-level positions.

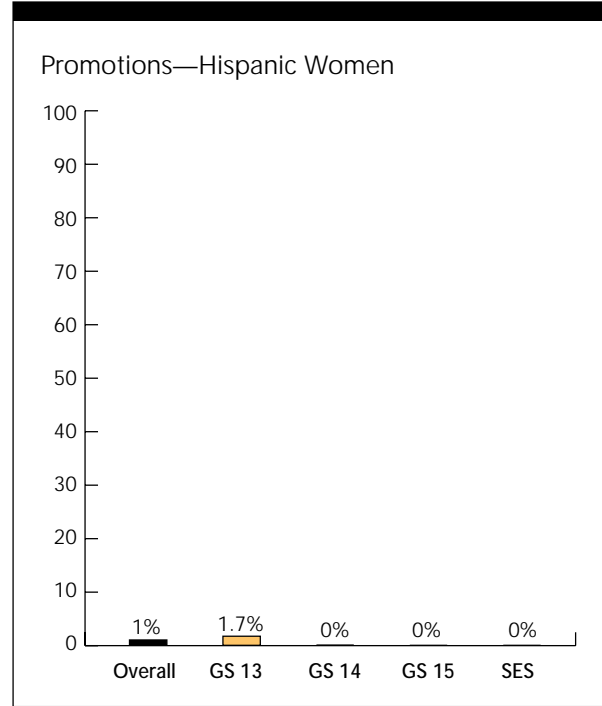
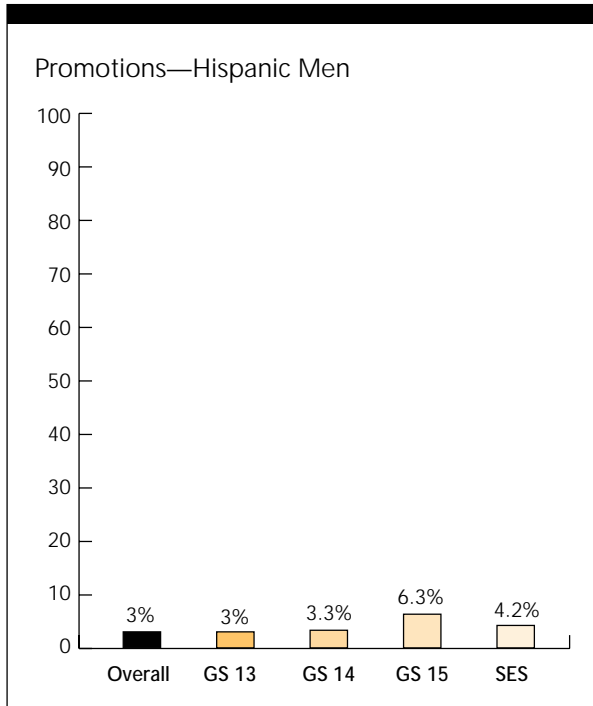
A review of promotions from 1994 through 1997, as shown in the tables on pages 86–90, reveal the following.



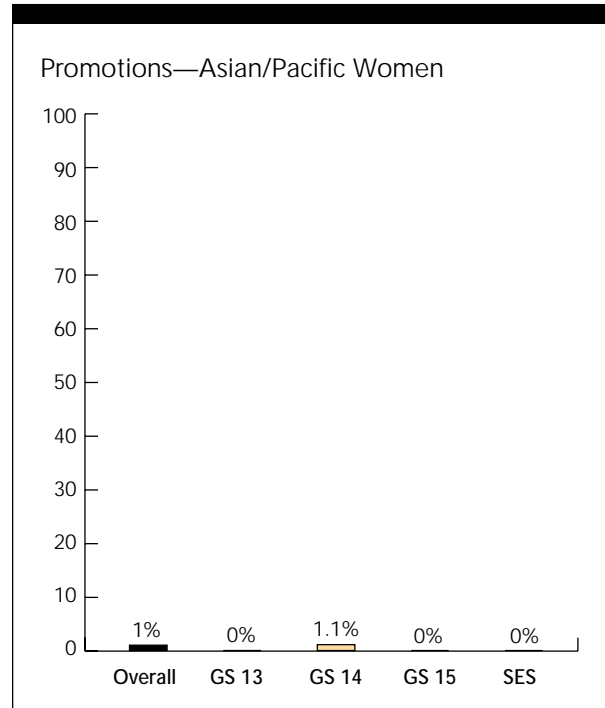
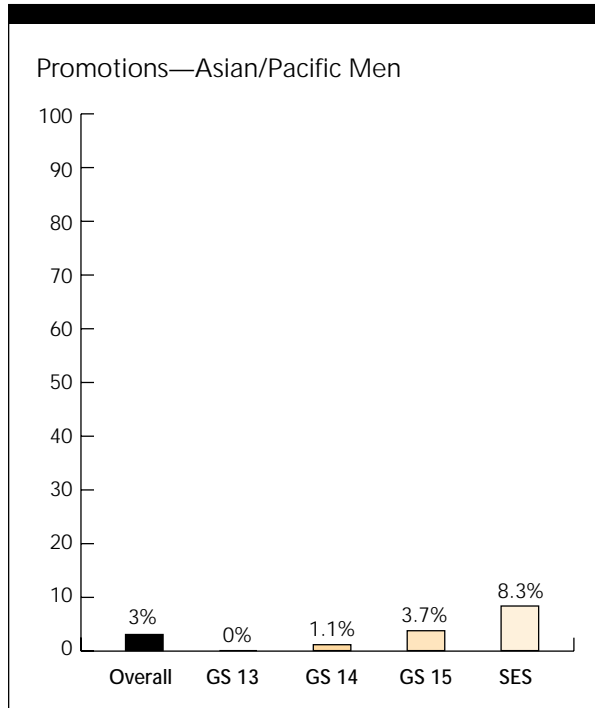
- White women make up 14.5 percent of the Agency's workforce in grades GS-13 and higher and received promotions at a rate greater than their percentage of each of these grades. This statement held true for headquarters' promotions except at the SES level. Promotions for White women in field positions lagged behind their percentage by 1 percent to GS-15 and there were no SES selections.



- Black men were not promoted to the GS-13 (2.3 percent) and GS-14 (3.3 percent) grades at a rate sufficient to maintain their 4.4 percent representation. This statement is true for GS-13 promotions in headquarters (2.3 percent), OMC (2.7 percent), FL (none), and field (2.3 percent). A further analysis of OMC and FL revealed that no Black men were promoted to GS-14 and -15 or GS-13 through SES, respectively. Field promotions of Black men were low for the GS-13 and -14 grades.
- Black women make up 3.4 percent of FHWA's GS-13 through SES population. Their percentage of promotions to GS-14 (2.2 percent) and GS-15 (1.3 percent) is not sufficient to maintain their current level, which is below their overall population of 8 percent. Black women received no promotions in OMC to the GS-15 and SES grades; no promotions in FL to the GS-13, GS-15, and SES grades; and no promotions in the field to GS-14 and SES.

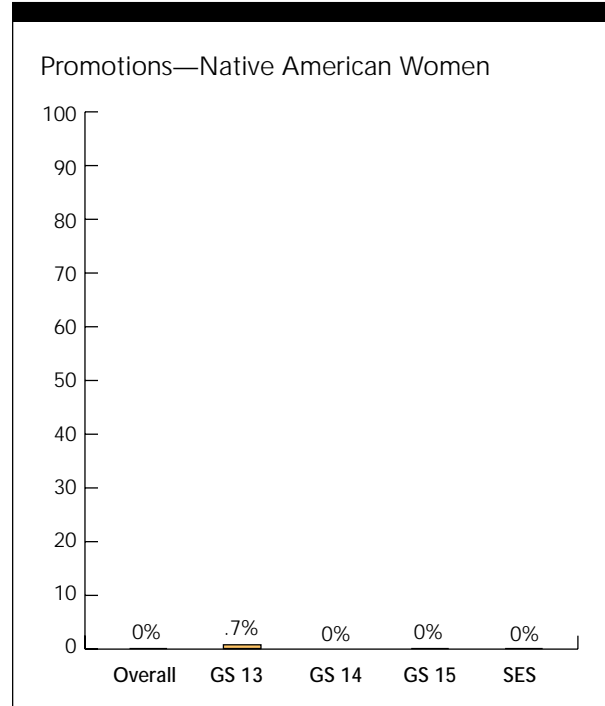
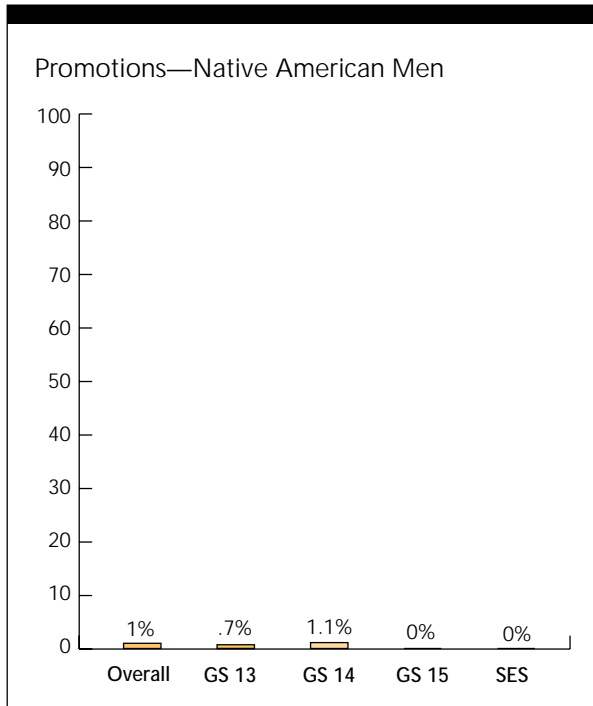


- Hispanic men make up 3.2 percent of FHWA's GS-13 through SES population. Hispanic men received 3 percent of the promotions to GS-13. The percentage of promotions received by Hispanic men to GS-14 through SES grades exceeded 3.2 percent. No promotions were received by Hispanic men in OMC and FL above the GS-14 level.
- Hispanic women make up 0.6 percent of FHWA's GS-13 population. Hispanic women received 1.7 percent of the promotions to the GS-13 grade. Hispanic women did not receive promotions in the higher grades.



- Asian American/Pacific Islander men (AAM) make up 3.1 percent of FHWA's GS-13 through SES population. Promotions received to the GS-15 (3.7 percent) and SES (8.3 percent) levels exceeded 3.1 percent. However, AAMs received no promotions to the GS-13 level and only 1.1 percent of the GS-14 promotions. There were no AAMs promoted in OMC or FL.
- Asian American/Pacific Islander women (AAW) make up 0.9 percent of FHWA's GS-13 through SES population. No AAWs were promoted to GS-13. The percentage of GS-14 promotions received by AAWs equaled 1.1 percent.





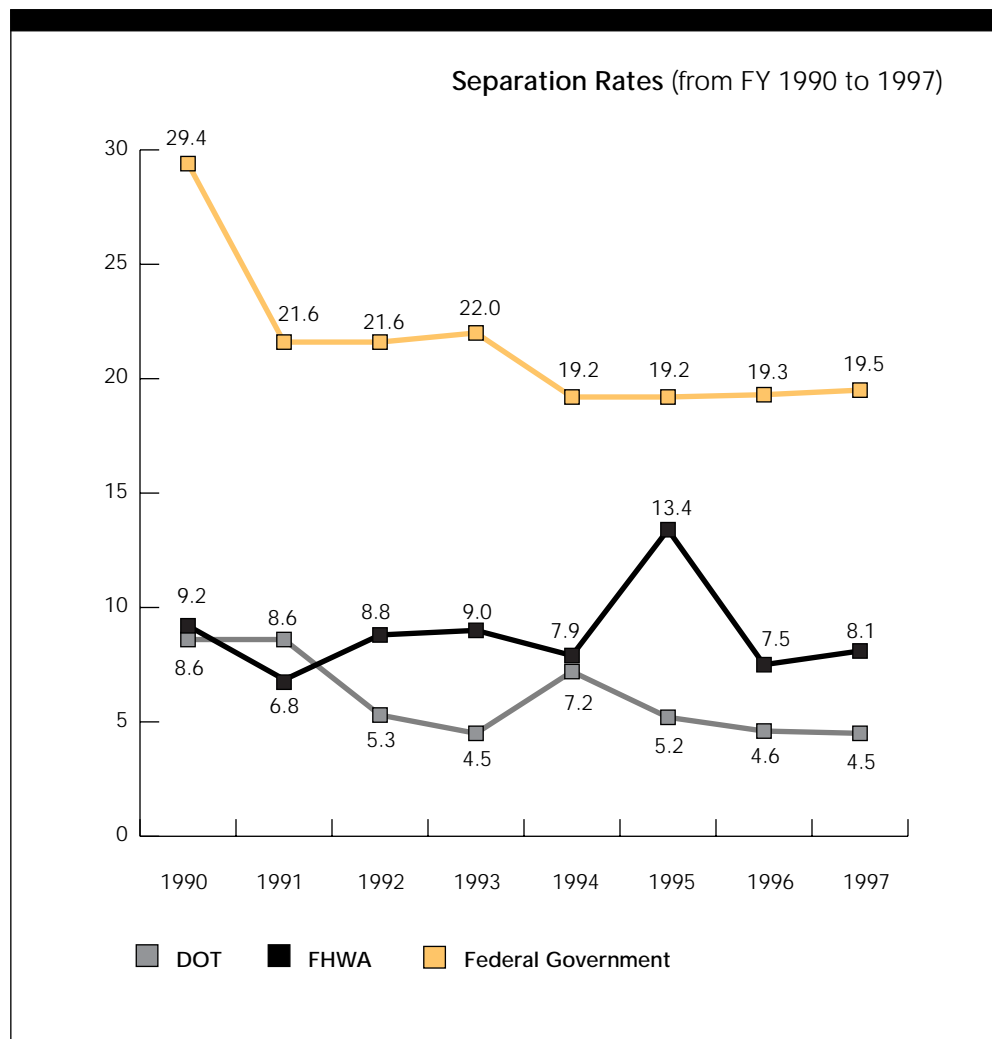
- Native American men (NAM) make up 0.5 percent of FHWA's GS-13 and GS-14 population. NAMs received 0.7 percent of the GS-13 and 1.1 percent of the GS-14 promotions.
- Native American women (NAW) occupy one GS-13 position. NAWs received 0.7 percent of the promotions to GS-13.

## VII. Separations

This section is an analysis of FHWA separation data. Separations may be voluntary or involuntary, with the reasons including resignation, retirement, buy-out, transfer, position abolishment, and death. Currently, the Agency is experiencing an increase in the number of employees leaving and retiring due to Agency restructuring and downsizing efforts. The Agency's last buy-out occurred during FY 1995, in which 193 employees retired. Of the employees who accepted

the buy-out, 105 were at the GS-13 level and above, of which 92.3 percent were nonminorities.

The chart below shows that the overall Agency attrition rate continues to be substantially lower than the separation rate for the Federal Government Executive Branch for the past 8 fiscal years. This reflects a good retention rate for FHWA.



FHWA has made tremendous progress in identifying ways to retain employees and reduce the overall attrition rate for women and minorities. Progress has been made in establishing more educational and career advancement opportunities for employees, including the support staff personnel. Many programs implemented during the past few years have provided employees with greater flexibility in balancing their work life and family responsibilities. For the past 4 years, employees have had the opportunity to take advantage of: 1) flexitime, 2) telecommuting, 3) flexiplace, and 4) alternative work schedules.

In addition, the Agency continues to provide educational workshops on health and wellness, child care, and elder

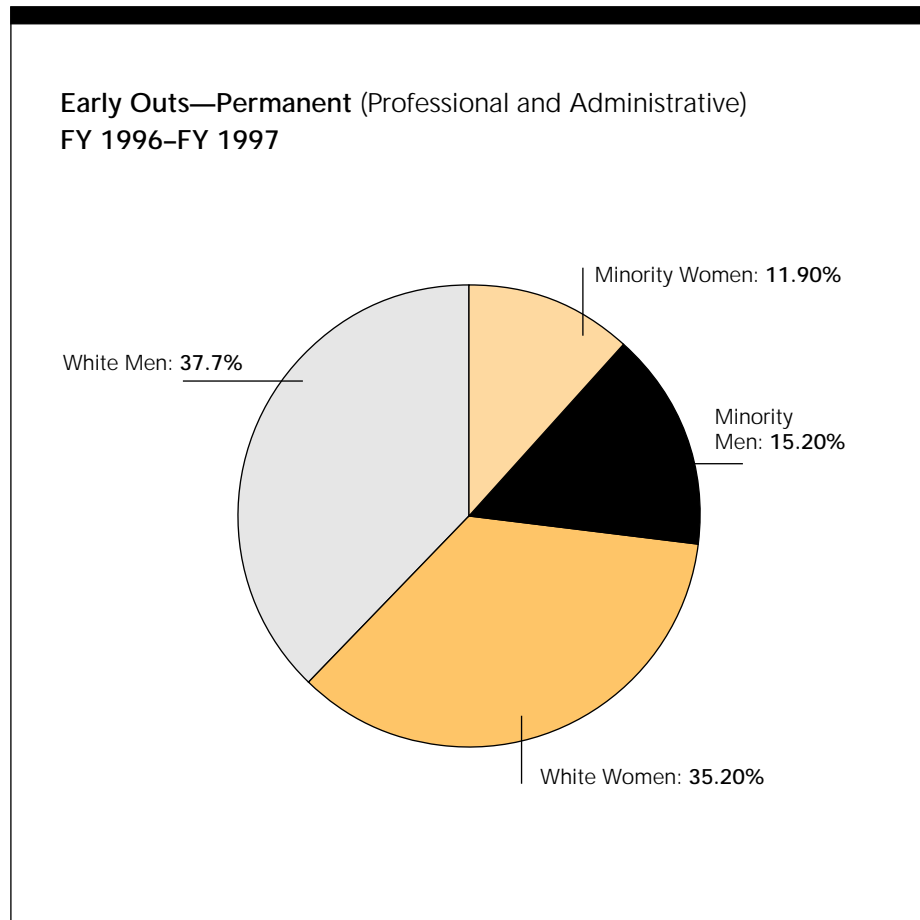
care for its employees. Many of the offices have implemented wellness programs and a variety of recognition and award programs to enhance their work environment. Employee surveys are used to improve the flow of communications at all levels.

However, analysis of separations data revealed that White women continue to be underrepresented in major job disciplines within FHWA and are continuing to leave the Agency at a higher rate than any other EEO group. The separation rate for White women was 4 to 8 percent higher than their employment rate of 24 percent in FY 1996 and FY 1997. Historically, White women have been a mobile group that has always had a higher separation rate within FHWA.

## SEPARATIONS—PERMANENT

By Minority Group, Sex, and Race Compared to the FHWA FY 1996 and FY 1997 Separation Rates

	FY 1997				FY 1996			
	Employment		Separations	Separation Rate	Employment		Separations	Separation Rate
American Indian or Alaskan Native Women	13	0.4%	1	0.3%	14	.4%	1	0.5%
American Indian or Alaskan Native Men	18	0.5%	0	0%	16	.4%	0	0%
Asian/Pacific Islander Women	35	1.0%	2	0.7%	37	1%	3	1.6%
Asian/Pacific Islander Men	92	2.6%	7	2.4%	94	2.6%	2	1.0%
Black Women	302	8.5%	22	7.5%	302	8.3%	12	6.3%
Black Men	144	4.0%	15	5.1%	148	4%	8	4.2%
Hispanic Women	47	1.3%	4	1.4%	37	1%	1	0.5%
Hispanic Men	106	3.0%	7	2.4%	102	2.9%	3	1.6%
White Women	859	24%	93	31.8%	887	24%	53	27.7%
White Men	1950	55%	141	48.3%	2002	55%	108	56.5%
TOTAL	3566		292		3639		191	



The Agency has not offered a buy-out to its employees since FY 1995. During fiscal years 1996 and 1997, a total of 68 employees retired by voluntarily taking early outs. Buy-outs were not approved during this period of time. The chart above indicates that White women left the Agency at a higher rate than any other EEO group.

As a result of efforts to train, develop, and promote qualified employees in mid and top management positions, the Agency is increasing the employment levels of women and minorities in all types of occupations and grade levels. In spite of the restructuring, FHWA has maintained a balanced workforce of women and minorities.

One of the most significant improvements made in the separation area was the development of an exit interview survey form in FY 1998 to collect data from employee exit

interviews in order to determine why employees were leaving the Agency. In addition, the form was designed to help the Agency learn more about what is needed to improve the overall retention rate of employees. The form was disseminated to all employees and managers within the Agency via email in September 1998.

As of May 5, 1999, there were 191 separations. The Agency had received 27 survey responses by May 21, which is a 14 percent response rate. Overall, employees leaving FHWA had very positive comments regarding the Agency and the people. FHWA recognizes that more work is needed in this area in analyzing the feedback and reporting to management on how to improve the overall retention rate of employees. OHR should also develop a method to increase the number of surveys received from employees who have left the Agency.

## VIII. Program Evaluation

**F**HWA's Office of CR SBU is responsible for monitoring and evaluating the effectiveness of the Agency's MYAEP. Any comments or recommendations from the EEOC, DOCR, or an internal organization, committee, or office are addressed by the Office of CR. The Office of CR has the budget and, with cooperation from the Office of HR, the resources to assure the administration and implementation of a results-oriented, proactive program that involves the EEO aspects of personnel management, policy, and practice.

The Office of HR has an automated system to provide comprehensive personnel data on demand. The Office of HR publishes a Human Resources Information and Planning Guide annually. This guide provides comprehensive information and, in conjunction with the MYAEP, can be used as a planning tool for FHWA managers and supervisors at all levels. It normally provides a variety of exhibits on the organizational structure, such as employment,

grade structure, and work force dispersion and employment. The guide also examines occupational information, age, length of service, and retirement eligibility profiles. It includes a section that focuses on statistical data related to minorities and women.

The Office of CR and Office of HR staffs responsible for the EEO program evaluation and merit system have met the requirements set forth in the EEOC and OPM regulations.

The Office of CR will track the implementation of the AEP action items that have been assigned to other individual offices for direct action. Periodic reports will be submitted to the Administrator, Deputy Administrator, and Executive Director for information and follow-up as needed. It is recommended that this MYAEP Plan be evaluated annually by the Office of CR.

# IX. Objectives and Action Items

## REPORT OF OBJECTIVES AND ACTION ITEMS:

### I. ORGANIZATION AND RESOURCES

**PROBLEM/BARRIER STATEMENT:** Special Emphasis Programs are not being handled consistently within the Agency. The FWP activities are unclear as they relate to the field. There is little or no guidance being received from Headquarters on FWP Special Emphasis activities.

**OBJECTIVE:** To develop a coordinated Special Emphasis Program in Headquarters that provides guidance and direction to all of the Agency.

ACTION ITEMS:	RESPONSIBLE OFFICIAL:	TARGET DATE:
Appoint a Special Emphasis Coordinator to serve as the FWP Manager and to oversee other Special Emphasis areas. This appointment should be communicated to all Agency employees.	Director, Civil Rights	9/30/00
Develop an FWP in accordance with EEOC requirements and communicate it to all Agency employees.	Director, Civil Rights	9/30/01

**PROBLEM/BARRIER STATEMENT:** The CR unit does not have sufficient resources to devote to internal EEO matters and needs to provide greater oversight in internal activities.

**OBJECTIVE:** To increase the emphasis devoted to internal civil rights activities.

ACTION ITEM:	RESPONSIBLE OFFICIAL:	TARGET DATE:
Recruit sufficient civil rights personnel to properly monitor the attainment of employment objectives contained in the MYAEP plan; recommend alternatives to eliminate discriminatory barriers to employment actions, promotion, and awards; and report to FHWA senior management on the status of FHWA's internal EEO activities.	Director, Civil Rights	9/30/00

**REPORT OF OBJECTIVES AND ACTION ITEMS:****II. WORKFORCE**

**PROBLEM/BARRIER STATEMENT:** Underutilization of some EEO groups in some major occupations as indicated below.

**OBJECTIVE:** To reduce the underutilization of the affected EEO groups.

<b>ACTION ITEMS:</b>		<b>RESPONSIBLE OFFICIAL:</b>	<b>TARGET DATE:</b>
Increase the representation of the following groups in the listed categories over the next 5 years.			
<b>Secretary:</b>			
White Women	10	Program Managers, Directors, Resource Center Directors, Federal Lands Division Engineers, Division Administrators, State Directors	9/30/03
<b>Engineering Technician:</b>			
White Women	65	Program Managers, Directors,	9/30/03
Black Women	12	Resource Center Directors, Federal	
Hispanic Women	7	Lands Division Engineers	
<b>Civil Engineer:</b>			
Asian American/ Pacific Islander Men	21	Program Managers, Directors, Resource Center Directors, Federal Lands Division Engineers, Division Administrators	9/30/03
<b>Realty:</b>			
White Women	19	Program Managers, Directors, Resource Center Directors, Federal Lands Division Engineers, Division Administrators	9/30/03
<b>Transportation Specialists:</b>			
White Women	36	Program Managers, Directors, Resource Center Directors, Federal Lands Division Engineers, Division Administrators	9/30/03

ACTION ITEMS:		RESPONSIBLE OFFICIAL:	TARGET DATE:
<b>Motor Carrier Safety Specialists:</b>			
White Women	44	Program Managers, Directors, Resource Center Directors, Division Administrators, State Directors	9/30/03
<b>Highway Safety Specialists:</b>			
White Women	45	Program Managers, Directors, Resource Center Directors, Federal Lands Division Engineers, Division Administrators, State Directors	9/30/03
<b>Computer Specialist:</b>			
White Women	8	Program Managers, Directors, Resource Center Directors, Federal Lands Division Engineers, Division Administrators, State Directors	9/30/03
<b>Community Planner:</b>			
White Women	17	Program Managers, Directors, Resource Center Directors, Division Administrators	9/30/03

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**REPORT OF OBJECTIVES AND ACTION ITEMS:**

**PROBLEM/BARRIER STATEMENT:** Underutilization of some EEO groups in previously-identified major occupations listed above.

**OBJECTIVE:** To reduce the underutilization of the affected EEO groups.

<b>ACTION ITEMS:</b>	<b>RESPONSIBLE OFFICIAL:</b>	<b>TARGET DATE:</b>
Use the MYAEP and the Federal Equal Opportunity Recruitment Program Plan and Report (FEORP) to advise managers on the Agency's progress in meeting the employment objectives.	Director, Office of Human Resources; Director, Office of Civil Rights	9/30/00 and annually thereafter
Hold Agency selecting officials accountable for considering the MYAEP and FEORP when hiring personnel for FHWA.	Executive Director	12/1/99

**PROBLEM/BARRIER STATEMENT:** The underrepresentation of women and minorities in key Agency jobs.

**OBJECTIVE:** Increase the percentage of women and minorities in jobs that lead to top management positions.

<b>ACTION ITEMS:</b>	<b>RESPONSIBLE OFFICIAL:</b>	<b>TARGET DATE:</b>
Annually brief all selecting officials on the need to consider women and minorities in EEO groups that are underrepresented when making personnel selections.	Director, Office of Human Resources	First quarter of each fiscal year
Ensure that the MYAEP and FEORP are used in the hiring, promotion, and selection processes.	FHWA Management Team	First quarter of each fiscal year
Develop strategies to make women and minorities aware of the underrepresentation of EEO groups in field positions and the need to consider them in their career planning.	Director, Office of Human Resources	First quarter of each fiscal year
Systematically use coaching, mentoring, and professional development as tools to ensure that women and minorities in grades 11 through 13 have special assignments, training, etc., to prepare them for key Agency positions.	FHWA Managers, Supervisors, and Team Leaders	3/1/00 and annually thereafter

**REPORT OF OBJECTIVES AND ACTION ITEMS:**

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**PROBLEM/BARRIER STATEMENT:** Many FHWA managers may be hesitant to hire an individual with a disability because they do not have easy access to information and resources regarding workplace accommodation and other issues. While FHWA is committed to providing reasonable accommodation for disabled employees and applicants (Objective 3 of the *Affirmative Action Plan for the Hiring Placement, and Advancement of Individuals with Disabilities*), there is no central source for information, resources, and funding for meeting accommodation needs.

**OBJECTIVE:** To use the newly created DOT Disability Resource Center as a source of information, expert advice, and possible funding for meeting the accommodation needs of FHWA employees and applicants.

ACTION ITEM:	RESPONSIBLE OFFICIAL:	TARGET DATE:
Promote the DOT Disability Resource Center to all FHWA managers as a central resource to help them to efficiently meet the accommodation needs of employees or applicants with disabilities.	Director, Office of Human Resources	3/31/00

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**PROBLEM/BARRIER STATEMENT:** Many FHWA managers may not be aware of the procedures for hiring individuals with disabilities under Schedule A, the hiring authority defined in Part 213 of Title 5 of the *Code of Federal Regulations*.

**OBJECTIVE:** To develop guidance for managers who may be interested in hiring individuals with disabilities under Schedule A.

ACTION ITEM:	RESPONSIBLE OFFICIAL:	TARGET DATE:
Develop guidelines for hiring under Schedule A and circulate these guidelines to all FHWA managers in order to encourage the hiring of individuals with disabilities.	Director, Office of Human Resources	3/31/00

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**REPORT OF OBJECTIVES AND ACTION ITEMS:****III. DISCRIMINATION COMPLAINTS**

**PROBLEM/BARRIER STATEMENT:** 1) Employees need various forms of information on the EEO process and how to file a complaint of discrimination; 2) Agency records are inadequate to perform an analysis of the effectiveness of the counseling program since the formal complaint process is handled by the DOCR; 3) There is a need to develop standards for counselors; and 4) Training is needed to prevent future harassment cases.

**OBJECTIVE:** To better train EEO counselors and to give employees a better awareness of the EEO complaint process and how to file a complaint of discrimination.

<b>ACTION ITEMS:</b>	<b>RESPONSIBLE OFFICIAL:</b>	<b>TARGET DATE:</b>
Post EEO complaint process and counselors' names and telephone numbers on Staff Net.	Office of Civil Rights	3/31/00
The management council should be briefed annually on the numbers and status of informal and formal complaints.	Office of Civil Rights	10/1/00 and annually thereafter
Formalize and communicate the criteria for EEO counselors and the recruitment process.	Office of Civil Rights	9/30/00 and annually thereafter
Ensure that all employees receive sexual harassment and sensitivity training.	Office of Civil Rights	9/30/00 and annually thereafter

**REPORT OF OBJECTIVES AND ACTION ITEMS:****IV. RECRUITMENT AND HIRING**

**PROBLEM/BARRIER STATEMENT:** Selecting officials may not be aware of Agency's EEO and affirmative employment program.

**OBJECTIVE:** Make sure all selecting officials have received and been briefed on the FEORP and MYAEP and are accountable for supporting the Agency's affirmative employment goals.

<b>ACTION ITEMS:</b>	<b>RESPONSIBLE OFFICIAL:</b>	<b>TARGET DATE:</b>
Conduct manager awareness training in EEO and affirmative employment.	Offices of Human Resources and Civil Rights	9/30/01
Distribute FHWA Multi-Year Affirmative Action Plan with cover letter to all managers and recruiters.	Federal Highway Administrator	12/1/99 and annually thereafter
Brief Agency selecting officials on MYAEP Accomplishment Report and FEORP.	Offices of Human Resources and Civil Rights	9/30/00 and annually thereafter
Review selecting officials' hiring decisions during annual performance review.	Executive Director, Program Managers, Directors, Resource Center Directors	9/30/00 and annually thereafter

**REPORT OF OBJECTIVES AND ACTION ITEMS:****VII. SEPARATION–PERMANENT**

**PROBLEM /BARRIER STATEMENT:** The Agency established an exit interview survey form to collect data on why employees were leaving the Agency and what could be done to retain employees. The survey form was disseminated to all employees and managers via email. Although the Office of Human Resources established a system to collect the data from the various personnel offices, there is still a need to develop a system that will provide adequate feedback to selecting officials on a national level to improve the overall retention rate of women and minorities within FHWA. Also, the Office of Human Resources needs to develop a better way of increasing the number of surveys received from employees who have left the Agency.

**OBJECTIVE:** To establish a mechanism to provide meaningful feedback to managers from exit surveys in order to improve the retention rate of FHWA employees, particularly for women and minorities.

ACTION ITEMS:	RESPONSIBLE OFFICIAL:	TARGET DATE:
Analyze the information from the exit surveys and prepare an annual report for all managers.	Director, Office of Human Resources	6/30/00 and annually thereafter

# Appendices